

LOCATION: 28 Oakleigh Park North, London, N20 9AR

REFERENCE: B/00575/12

Received: 15 February 2012

Accepted: 15 February 2012

WARD(S): Oakleigh

Expiry: 11 April 2012

Final Revisions:

APPLICANT: Mrs A Michaelides

PROPOSAL: Retention of detached garage.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 136A3 P 2.2, 136A3 P 2.1, 136A3 P 1.0, Design and Access Statement by February 2012.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. The use of the garage hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv4, D1, D2, D5 and H27, and: Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses.

Core Strategy (Examination in Public version) 2012:

Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Examination in Public version)2012:

Relevant Policies: DM01, DM02,

ii) The proposal is acceptable for the following reason(s): - The garage is considered to have an acceptable impact on the character and appearance of the locally listed dwelling and the character and appearance of the street

scene. It is not considered to have any significantly adverse impacts on the amenities of the adjoining residents and is in accordance with the aforementioned policies.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan: July 2011

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, GBEnv4, D1, D2, D5 & H27.

Design Guidance Note No 5 – Extensions to Houses

The Council Guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Examination in Public version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy sets the vision, core objectives and strategic policies for Barnet. Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02.

Relevant Planning History:

Site Address: 28 Oakleigh Park North N20
Application Number: N05275
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 01/12/1976
Proposal: **Alterations including the conversion of part of the first floor flat into a maisonette.**

Site Address: 28 Oakleigh Park North LONDON N20
Application Number: N05275A
Application Type: Section 192
Decision: Unlawful Development
Decision Date: 07/12/1995
Proposal: **Cover to existing terrace.**

Site Address: 28 Oakleigh Park North LONDON N20
Application Number: N05275B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 22/05/1996
Proposal: **Cover to existing terrace at rear of house.**

Consultations and Views Expressed:

Neighbours Consulted: 14 Replies: 7
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Object on scale and appearance of the building which exceeds planning limit of 2.5m for this type of development
- Increase in height has resulted in a loss of light
- Impact on the enjoyment of the adjoining garden
- Security light has been inappropriately positioned and shines into neighbouring property causing a nuisance
- Raised floor level of 25cm has been carried out at the site results in a higher than necessary garage height, considerable overlooking from the driveway and a loss of privacy
- New driveway is not a porous surface which contravenes legislation introduced on 1st October 2008 by the Environment Agency and will result in water draining into the adjoining site which is at a lower level
- The proposal to paint the flank wall (flettons) with soft colour red paint is flawed and unacceptable as it is impossible to maintain a painted finish on a Fletton brick surface as per the BS6150:2006 'Painting of buildings - Code of Practice'.
- There has been an unwillingness in previous years of the owner to maintain the boundary between 28 and 30 and if planning permission were granted the bricks would be painted once and left forgotten to ruin
- The brickwork used in developing the new garage does nothing to enhance or match the architectural of historic character of the main building which is locally listed
- 7 mature trees have been felled on the site in October 2011
- Disagree with remarks within the application that access from neighbours property would not be forthcoming
- No measurements have been written on the submitted drawings, instead just comparisons between the proposed and existing

- The drawings do not proportionally match the work carried out showing an increase of 6 bricks when there has been an increase of 10
- The security light is not shown on the submitted drawings
- Despite what is stated within the application the garage can be clearly seen from the road
- The flank wall appears to have building control issues as there is a significant crack in it to the rear of the garage and a number of bricks appear to have been displaced
- There is no fence adjacent to the wall thus increasing the visual impact on the neighbouring property and garden
- Alterations to garage, driveway and front boundary have been carried out without due consideration of the historic importance of the character of the locally listed property

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates a substantial detached dwelling on the south eastern side of Oakleigh Park North. There is an existing garage to the rear of the building sited along the boundary with No. 30 that is the subject of this application.

The building is recognised as making a contribution of local significance and has locally listed status.

Proposal:

The application seeks retention of the recently reconstructed detached garage along the boundary with No. 30 Oakleigh Park North. An existing garage of the same footprint in the same position with a monopitch roof has been largely rebuilt and the roof has been levelled to form a flat roof with surrounding parapet. The garage door has not yet been installed but is shown on the plans as a white powder coated steel door.

The height of the garage as viewed from the front and measured from the ground level of the application site (excluding the decorative finials) is 2.75m. Given variations in ground levels at the rear the height is 3.15m. Due to the change in levels between the application site and the adjoining property, the garage would have a maximum height of 3.2m as viewed from the garden of No. 30. The maximum increase in height from the original structure is depicted on the plans as 0.55m.

Planning Considerations:

The reconstructed garage is not considered to have any significant adverse impacts on the amenities of the adjoining residents or the enjoyment of their garden area. Whilst it is noted that the adjoining site is at a lower level than the application property the increase in height of the garage along the boundary is not considered to result in a significantly greater impact than the previous structure.

It is noted that concerns have been raised with regards to the accuracy of the plans and it has been alleged that the actual increase in height is greater than what is shown on the drawings. Having visited the site and reviewing supporting documentation and photos submitted with the application it is considered that the changes in the height of the garage are accurately represented in the application as a levelling of the sloping roof with the height at the front of the garage not increasing.

The structure as constructed is not considered to represent an obtrusive or overbearing form of development as viewed from the neighbouring property or garden especially when compared to the structure it has replaced which is a material consideration. Whilst the siting of the structure on the boundary is likely to cause some overshadowing to the adjoining garden, the increase in the height of the garage is not considered to significantly alter the previous situation which must be taken into account.

Part of the flank wall adjoining the boundary with No. 30 was left in situ during the works and as such, part of the old brick structure is clearly distinguishable from the new brick used in the reconstruction. Despite the difference between the 2 brick types and colours, it is not considered to undermine the character and appearance of the structure, the setting of the main building or appear visually intrusive from the adjoining garden.

The red bricks used in the construction of the garage, although not an exact match are considered to be in keeping with the character or appearance of the main dwelling and the general locality and would not compromise the special interest of the building or its contribution to the character or appearance of the street scene.

General Policy GBEnv1 aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of policy D5 requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy H27 states that extensions and detached buildings should harmonise existing and neighbouring properties, maintain the appearance of the street scene and have no significant adverse effect on the amenity of neighbouring occupiers. They should be in keeping with the scale, proportion, design and materials of existing and neighbouring houses.

The development complies with the aforementioned policies and Council Design Guidance on Extensions to Houses and is considered to be a proportionate addition to the site. It has an acceptable impact on the character and appearance of the street scene, site property, general locality and the residential amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed above. Additional comments are as follows:

- Permitted development rights (effective October 2008) restrict the height of outbuildings to 2.5m within 2m of a boundary as measured from the highest adjoining land. Anything greater requires planning permission from the LPA and is considered on its merits. As the structure is higher than what is permitted

under this legislation, the structure requires planning permission. The merits of the proposal have been considered and appraised above. It should be noted that the original (lawful) structure was already higher than the current permitted development criteria allows for new build structures.

- The laying of a new driveway (subject to drainage, soakaways or porous materials) and increases in the height of ground levels of up to 30cm fall within the scope of permitted development. The new driveway at the development site has not resulted in the increase in the total height of the garage and in any case and the garage is considered at the height constructed to be acceptable as outlined above.
- Security lights are not development requiring planning permission.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and is in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 28 Oakleigh Park North, London, N20 9AR

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