

Location **8B Accommodation Road London NW11 8ED**

Reference: **17/6970/S73**

Received: 2nd November 2017

Accepted: 2nd November 2017

Ward: Childs Hill

Expiry 28th December 2017

Applicant: Majid

Proposal: Variation of condition 4 (Rooflights) pursuant to planning permission 16/5860/FUL dated 20/03/2017 for `Retention of 2no. rooflights located at rear of property and additional 2no. proposed rooflights to the front.` Variation include change of rooflight to frosted and fixed opening

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan

Received 4 January 2018

Existing and Proposed Elevations Drawing No 815/AR/02 Rev C

Existing and Proposed Loft Plans Drawing No 815/AR/01 Rev C

Received 9 January 2018

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 Notwithstanding the details shown on the hereby approved drawings, the PROPOSED rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof. The rooflights shall be obscure glazed and fitted with a restricted stay of no more than 100mm.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 4 The units hereby granted permission shall be removed, within two months of the date of failure to meet any one of the requirements set out in (i) to (ii) below:-
 - i) within two months of the date of this decision the rear rooflight windows facing Woodstock Road shall be obscure glazed and fitted with a restricted stay of no more than 100mm. The rooflights to the front shall be obscure glazed and fixed shut.
 - ii) if an appeal is made in pursuance of (i) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is located on the southern side of Accommodation Road, within Golders Green Town Centre conservation area.

The property is located on Accommodation road which is an access/service road. The application site is A1 office use. Accommodation Road currently consists of a row of terraced offices and some residential buildings.

The rear rooflights are already in place and this follows investigation by the enforcement team.

Rooflights are a common feature on this stretch of road to the front and rear of the building.

This building is not statutory listed or not locally listed.

2. Site History

Reference: 16/5860/FUL

Address: 8B Accommodation Road London NW118ED

Decision: AC - Approved subject to conditions

Decision Date: 20.03.2017

Description: Retention of 2no. rooflights located at rear of property and additional 2no. proposed rooflights to the front

Reference: C02199H

Address: 8B Accommodation Road London NW11

Decision: AC - Approved subject to conditions

Decision Date: 10 May 1999

Description: Change of use of building from educational to office purposes to Class B1 - financial and professional services (accountancy offices).

3. Proposal

This application proposes to vary condition 4 (rooflights) of the planning permission 16/5860/FUL dated 20/03/17 which was approved for the retention of 2 rooflights at the rear of the property and 2 rooflights to the front elevation. The proposal is to allow for the rear rooflights to be opened.

Condition 4 of the permission states:

The units hereby granted permission shall be removed, within two months of the date of failure to meet any one of the requirements set out in (i) to (ii) below:-

i) within two months of the date of this decision the rear rooflight windows facing Woodstock Road shall be obscure glazed and fixed shut.

ii) if an appeal is made in pursuance of (i) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The proposal is to vary this condition to require the rear velux windows to be obscurely glazed with a fixed opening of 100mm.

An amended plan has been provided to clarify which windows are to be openable.

4. Public Consultation

Consultation letters were sent to 166 neighbouring properties.

14 responses have been received, comprising 14 letters of objection.

The objections received can be summarised as follows:

- o If these windows are allowed to open they will look directly onto the gardens of Woodstock Road. This will result in a loss of privacy and amenity for neighbouring residents.

- o This condition has been required to protect the amenity of neighbouring occupiers from noise and overlooking.

- o Houses are very close to these windows and will be overlooked.

- o These windows were built without permission in the first place and the owner should be penalised.

- o The applicant wants to open the windows because the room gets too hot but less glazing would make the property not get so hot.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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'. The NPPF retains a 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 2016

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- 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. The SPD 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.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Golders Green Conservation Area Appraisal

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality and the Conservation Area;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Whether harm would be caused to the character and appearance of the existing building, the street scene and the conservation area.

The Golders Green Town Centre Conservation area appraisal states "The urban character of Finchley Road and the crossroads contrasts dramatically with the quieter, intimate feel of the rear service roads, Accommodation Road and Golders Way."

The rooflights to the front and the rear have been approved in an earlier application 16/5860/FUL. This application does not involve any change to the size or positioning of the rooflights. This application seeks to vary the condition requiring the rooflights to be fixed shut in order to allow the two rear rooflights to be opened to 100mm to allow fresh air. The opening of the rear rooflights to 100mm is not considered to harm the character of the host property or The Golders Green Town Centre Conservation Area.

Due to the position the proposed rooflights are not immediately visible on street level. Policy DM06 requires development proposal to preserve or enhance the character and appearance of conservation areas. The proposed development is not considered to result in significant detriment of the character and appearance of the existing building or the street scene. It would preserve the character of the Conservation Area.

2. Whether harm would be caused to the living conditions of neighbouring residents.

The rear roof of Accommodation Road forms part of the rear garden wall of the residential properties on Woodstock Road. As a guide (although not strictly applicable to office uses), The Town and Country Planning (General Permitted Development) (England) Order 2015 states rooflights should be: "non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed"

The rear rooflights measure 1.75metres from the floor level to the frame. It is recognised that an application for removal of a condition restricting the opening of rooflights at no.7 Accommodation Road was refused. This application also related to works to extend the roof of this property. A condition was attached to ensure windows were not openable other than a fanlight opening and the inspector dismissed an appeal removing this condition. In the appeal decision at no.7 the inspector noted that 'The second floor offices are within the roof and the rooflights are at a height where they could afford views into the houses and gardens of properties to the rear from workers sitting or standing in the room.'

However after officers visited the site, it is clear to see the windows at 7 Accommodation Road are at a significantly lower height than the host property. At the host property the rear windows are above 1.7 metres from floor level which is the height generally considered adequate to prevent overlooking. However, in approving the rear rooflights, a condition was made to require the rooflights, including those in the rear, to be obscurely glazed. The obscure glazing was considered to address the potential for overlooking to arise given the relationship between the rooflights and neighbouring gardens. This proposal would not remove the obscure glazing but would allow the rear rooflights to be opened 100mm to allow for ventilation.

The initial application 16/5860/FUL was decided by Committee. The officers recommendation was to approve the development with a condition that the rooflights but must be obscurely glazed with a restricted opening. The restriction on the rooflights to be fixed shut was added by the Committee in their final approval of the application.

It is therefore considered that the proposals would not result to the living conditions of neighbouring occupiers.

The proposed wording for the condition is:

The units hereby granted permission shall be removed, within two months of the date of failure to meet any one of the requirements set out in (i) to (ii) below:-

i) within two months of the date of this decision the rear rooflight windows facing Woodstock Road shall be obscure glazed and fitted with a restricted stay of no more than 100mm. The rooflights to the front shall be obscure glazed and fixed shut.

ii) if an appeal is made in pursuance of (i) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The condition has been reworded to ensure the rooflights are obscurely glazed with a restricted opening for the rear rooflights and fixed shut for the front rooflights.

5.4 Response to Public Consultation

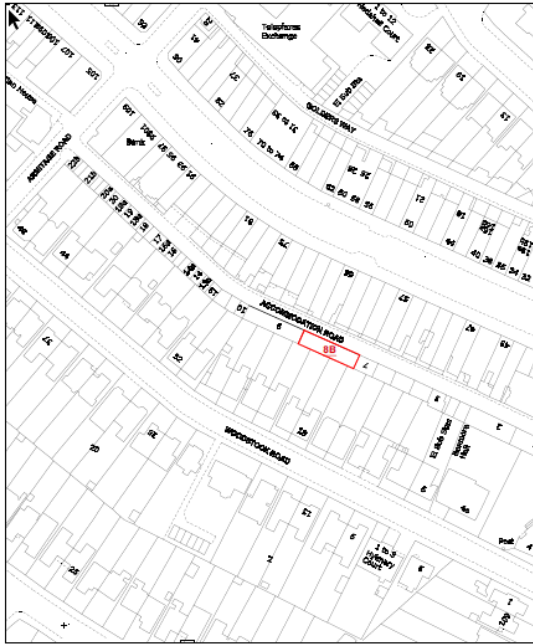
Addressed in the report.

6. Equality and Diversity Issues

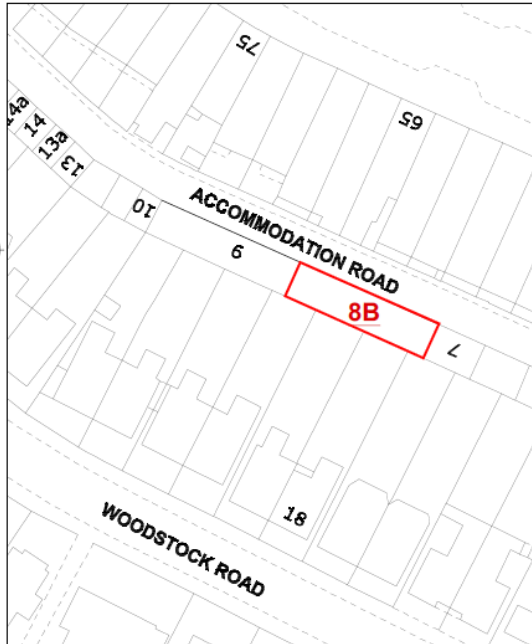
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



LOCATION PLAN 1:1250



BLOCK PLAN 1:500

Client	8B Accommodation Road, London, SW11 8ND	Scale	1:500 1:1250	Date	Sept. 2016	H Solaimani 5 Roland Gardens London, SW7 3PK Tel: 020 7470 0396 Mobile: 07933 521194 Email: h7866@btinternet.com
Drawn by		Checked by	HS	Drawn by	HS	
Approved by		Approved by		Approved by		
Title	Location and Block plans		Drawing No.	815/AR/03		