

LOCATION: 36 Oakdene Park, London, N3 1EU

REFERENCE: F/02040/12

Received: 24 May 2012

Accepted: 28 May 2012

WARD(S): West Finchley

Expiry: 23 July 2012

Final Revisions:

APPLICANT: Mr Aboosi

PROPOSAL: Single storey rear extension and associated alterations to dwelling.

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: JA OP 007 existing location plan; JA OP 007 proposed location plan; JA OP 002; JA OP 003; JA OP 004; JA OP 016; JA OP 009 RevB; JA OP 011 RevB; JA OP 012 RevB; JA OP 013 RevB; JA OP 014 RevB.

Reason:

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

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. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

To safeguard the visual amenities of the building and the surrounding area.

4. The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing 37 Oakdene Park.

Reason:

To safeguard the privacy and 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, D1, D2, D5 & H27.

Design Guidance Note No 5 – Extensions to Houses

Core Strategy (Adoption version) 2012:

Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Adoption version)2012:

Relevant Policies: DM01, DM02.

- ii) The proposal is acceptable for the following reason(s): -

- 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 would be 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.

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, 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 (Adoption 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 is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. 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 (Adoption version) 2012: 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.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. 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 Development Management Policies (Adoption version) 2012: DM01, DM02.

Relevant Planning History:

None relevant

Consultations and Views Expressed:

Neighbours Consulted: 5 Replies: 4 (1 letter with 15 signatures)
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Loss of light and outlook - Height and depth of extension would result in significant loss of light to and outlook from habitable rooms and back patio. It will be too bulky and dominant. Loss of light will have impact on well-being anxiety, seasonal affective disorder and depression.
- Shared drive and access - shared drive is quite narrow in places but widens near the 2 garages to help getting cars in and out and leave space for rubbish bins. Under obligation not to obstruct the joint right of way and consequently not allowed to building any structure on it.
- Overdevelopment and amenities - property extended some time ago. A few years ago More pressure on drainage system in Oakdene Park. Sewage damage could lead to flood and public health risk. Extra space will use more energy in heating. Neighbours would lose sunlight heating afforded to the walls and rooms.
- Appearance - Does not harmonise with existing and surrounding properties. Will harm character of Oakdene Park. Out of context to the historical character of Oakdene Park a part of a garden suburb. Rear extension break the harmony of back gardens. Nowhere else in Oakdene Park has an extension as deep.
- Scale and appearance is out of keeping.
- Inaccuracies and omissions in the application - height of extension is 5.25m and not 3.175m as shown on the drawings.
- Backroom of no.35 is shown as jutting out from backroom of 36 giving the impression that the proposed extension will not affect no.35. In fact the two backrooms are exactly in line.
- Disused garage- statement that 'the garage cannot be and have never been used' is not true. It is possible to use garage for parking cars.
- Missing from the drawings is a second floor plan which would show the extensive habitable space afforded by the loft conversion a few years ago.
- Attractions of Oakdene Park is the nature conservation and woodland. This proposal lacks sensitivity to the natural beauty of its surroundings.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application property is a semi detached dwelling located in West Finchley. The property has a shared driveway with no.37 Oakdene Park each property has a garage at the bottom of the shared drive. The property backs on to Finchley golf club.

Proposal:

The application relates to a single storey rear extension to the property to link the property into the garage. The property has an existing single storey rear projection of 3m along the common boundary with no.35 Oakdene Park, the property will extend 960mm off this projection. The proposal will have a stepped footprint extending to 3.8m along the shared driveway to incorporate the proposed extension with the existing garage.

Planning Considerations:

The application has been amended since its initial submission removing the previously proposed first floor extension from the proposal.

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

General Policy GBEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 of the Unitary Development Plan (2006) 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 of the Unitary Development Plan (2006) requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy H27 of the Unitary Development Plan (2006) states that extensions to houses should harmonise existing and neighbouring properties, maintain the appearance of the streetscene 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.

Policy DM01 of the Development Management Policies (Adoption version) 2012 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.

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

The application has been amended to remove the first floor extension. The proposed single storey rear extension will extend an additional 960mm than the existing rear projection which aligns with the neighbours ground floor back wall. This additional depth is not considered to cause any significant loss of amenity to the neighbouring residential occupiers at no.35.

The extension is set approximately 2.6m from the the side wall of the neighbouring property no.37 Oakdene Park and as such does not result in any loss of amenity.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- Amendments have been made to the application which are considered to overcome some of the previous concerns.
- Matters relating to sewage and drainage are not covered by planning legislation.
- Matters of Rights of Way over the shared drive are a civil matter.
- The plans are drawn to a scale so the height of the proposed extension can be determined by measuring the drawings.
- Omission of second floor plan from application- Following a site visit the extent of the roof extensions has been noted, this extension appears to have been implemented under permitted development. The second floor extension has also been clearly indicated on the elevational plans. The proposed ground floor extension in conjunction with the previous roof extension is not considered to result in overdevelopment of the site.

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 would be 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**.

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