

Location **24 Oak Grove London NW2 3LP**

Reference: **16/6733/HSE**

Received: 20th October 2016

Accepted: 2nd November 2016

Ward: Childs Hill

Expiry 28th December 2016

Applicant: Mr sia tabibi

Proposal: First floor rear extension

Recommendation: Approve subject to conditions

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

01 Rev. A

02 Rev. B

03 Rev. A

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 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 surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Before the building hereby permitted is first occupied the proposed window(s) on the rear flank wall of the first floor rear extension shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 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 a two storey terraced dwellinghouse on the western side of Oak Grove. The application site shares a party wall with both No. 22 Oak Grove and No. 26 Oak Grove. No. 22 Oak Grove is positioned on the application site's northern flank and No. 26 Oak Grove is positioned on the application site's eastern flank. No. 17 Elm Grove is located to the west of the application site.

The terrace property on the application has an existing two storey rear outrigger that projects 4.5 metres in depth from the rear elevation wall. The rear outrigger has a flat roof with a height of 6.1 metres. It has a width of 3.4 metres.

The terrace property on the application site benefits from a single storey rear extension that was approved under application 16/1336/PNH on 11/04/2016. It projects 4 metres in depth from the rear flank wall of the two storey rear outrigger. It has a flat roof with a height of 3 metres and a parapet above the roof with a height of 3.3 metres. It has a width of 3.4 metres.

The application site is not located within a conservation area and nor does it contain a listed building.

2. Site History

Ref: 16/4621/HSE

Address: 24 Oak Grove, London, NW2 3LP.

Proposal: First floor rear extension.

Decision: Withdrawn.

Decision Date: 29 September 2016

Ref: 16/2955/HSE

Address: 24 Oak Grove, London, NW2 3LP, .

Proposal: First floor rear extension. Roof extension involving rear dormer window with balcony, 2no. rooflights to front elevation to facilitate a loft conversion..

Decision: Refused.

Decision Date: 30 June 2016

The proposed rear dormer window and balcony was refused for two reasons. Firstly, due to its design, size and siting, it was considered to represent an incongruous addition to the host property, detrimental to the character and appearance of the application property and surrounding area. Secondly, the proposed balcony would result in the harmful overlooking and loss of privacy to neighbouring residential occupiers.

Ref: 16/1336/PNH

Address: 24 Oak Grove, London, NW2 3LP.

Proposal: Single storey rear extension with a proposed maximum depth of 4 metres measured from original rear wall, eaves height of 3 metres and maximum height of 3.3 metres.

Decision: Prior Approval Required and Approved.

Decision Date: 11 April 2016

Ref: 16/1064/PNH

Address: 24 Oak Grove, London, NW2 3LP, .
Proposal: Rear extension.
Decision: Prior Approval Required and Refused.
Decision Date: 23 February 2016

Ref: 16/0767/PNH
Address: 24 Oak Grove, London, NW2 3LP.
Proposal: Single storey rear extension.
Decision: Prior Approval Required and Refused.
Decision Date: 11 February 2016

3. Proposal

The erection of a first floor rear extension. The proposed first floor rear extension projects 1.1 metres in depth beyond the rear flank wall of the existing two storey rear outrigger. It is built above the existing single storey rear extension. It has a flat roof with a height of 6.1 metres. There are 2 windows on the rear flank wall of the proposed extension.

4. Public Consultation

Consultation letters were sent to 18 neighbouring properties.
11 objections were received in response

The objections concerned the following issues:

- Due to its excessive bulk, the proposed extension would be an incongruous addition to the application site and it would have a negative impact on the character of the streetscene.
- The proposed extension would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss daylight/sunlight and a loss of outlook.
- Due to its fenestration, the proposal would overlook the windows and the rear amenity space of neighbouring and adjoining properties.
- The recently constructed ground floor rear extension already restricts daylight/sunlight from the windows and the rear amenity space of neighbouring and adjoining properties. The proposed first floor extension exacerbates this problem.
- The proposal would result in a larger number of tenants occupying the property causing the occupiers of neighbouring and adjoining properties to suffer a loss of amenity as a result of noise and disturbance.
- If this application is approved then it will set a precedent allowing further, bulkier, extensions to be approved on the application site and in the surrounding area.
- The recently constructed single storey rear extension has a maximum height of 3.3 metres but permission was only granted for an extension that is 3 metres in height.
- The Council is more concerned about the aiding the applicant than it is about addressing the concerns of neighbours. The fact the applicant has constantly withdrawn applications and thereby avoided their determination, indicates an attempt to circumnavigate the planning policy framework.
- The amount of time that building works have been going on at the application site could constitute a legal nuisance.
- The proposal would result in a reduction in the house prices of neighbouring and adjoining properties.

A light report was submitted by an objector to demonstrate the impact of the proposal on neighbouring and adjoining properties.

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 Governments 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 MALP

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.

Policies 3.4; 4.1; 4.4, 7.4, 7.6.

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, CS15.
- Relevant Development Management Policies: DM01, DM02.

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 (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 (October 2016)

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

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

5.3 Assessment of proposal

Impact on character

A first floor rear extension should appear to be a subservient addition to the original terrace dwellinghouse. The proposed first floor extension has the same height and width as the existing 2 storey rear outrigger on the application site. As its depth is only 1.1 metres, the bulk of the proposed extension is not considered to be excessive. The windows on the rear flank wall of the proposed extension are of a similar size and shape to the existing windows on the first floor of rear elevation of the original terrace dwellinghouse. A condition shall be included requiring that the proposed extension is built using materials that match those of the existing terrace property. For these reasons it is considered that the proposal respects the architectural integrity of the original terrace dwellinghouse and it would not have negative impact on the character of the street scene.

Impact on neighbour amenity

The southern flank wall of the proposed first floor rear extension is positioned approximately 4.8 metres from the northern flank wall of the existing two storey rear outrigger at No. 26 Oak Grove. There are ground floor windows on the northern flank wall of No. 26 Oak Grove. Due to its size, height and position, the proposed first floor rear

extension would not harmfully reduce the daylight/sunlight received by these windows or the level of outlook from these windows.

The proposed first floor rear extension projects 1.1 metres from the rear flank wall of the existing two storey rear outrigger at No. 22 Oak Grove. There is a window and glazed door on the first floor of the existing two storey rear outrigger at No. 22 Oak Grove. Due to its limited rear projection, size, height and position, the proposed single storey rear extension is not considered to cause the occupiers of No. 22 Oak Grove to suffer a material loss of daylight/sunlight or outlook from these windows.

Due to its size, height and position, the proposal is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of daylight/sunlight and nor is it considered to have an overbearing impact on these properties.

The windows on the rear flank wall of the proposed first floor rear extension overlook the rear amenity spaces of neighbouring and adjoining properties. As these windows serve a bathroom a condition shall be included requiring that they are to be obscure glazed.

5.4 Response to Public Consultation

The following concerns have been addressed elsewhere in the report:

- The visual impact of the proposal on the character of the streetscene.
- The impact of the proposal on the amenity of neighbouring and adjoining occupiers.

Material planning considerations:

- Every planning application is assessed on its own merits. If this application were to be approved then it would not permit incongruous forms of development to be allowed in the local area.
- The application site is a single family dwellinghouse. If the application were to be approved it would not permit the applicant to allow a large number of tenants to occupy the property. If the applicant wishes to convert the property into flats then a planning application would have to be submitted to the Local Planning Authority.
- The light report does not refer to any measurements, benchmarks or guidelines, it is not drawn to a statement metric scale and its depiction of the size of the proposed extension appears to be inaccurate. For this reason little weight was given to it when the proposal was assessed.
- The level of advice the Local Planning Authority has given to the applicant on this application as well as the other previous applications is not considered to be above and beyond the usual advice given. It is open to the applicant if they wish to withdraw proposals.

The following concerns are not material planning consideration:

- The impact of the proposal on house prices in the area.
- The impact that the construction works on site would have on the amenity of neighbouring and adjoining occupiers.

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.

