
Appeal Decision

Site visit made on 27 September 2016

by Daniel Hartley MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 September 2016

Appeal Ref: APP/N5090/W/16/3153268

Tudor Court, 2 Crewys Road, Cricklewood, London NW2 2AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Frankel against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/0639/FUL, dated 1 February 2016, was refused by notice dated 30 June 2016.
 - The development proposed is a mansard roof extension to create 1 No 2 bed flat.
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Decision

1. The appeal is allowed and planning permission is granted for a mansard roof extension to create 1 No 2 bed flat at Tudor Court, 2 Crewys Road, Cricklewood, London NW2 2AA, in accordance with the terms of the application Ref 16/0639/FUL, dated 1 February 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal upon the living conditions of the occupiers of flats 17 and 18 Goldfinch Court, 713A Finchley Road, in respect of outlook.

Reasons

Site and proposal

3. The site falls within a mixed commercial and residential area. The appeal building (known as Tudor Court) is four storey and is located on the corner of Cricklewood Lane and Finchley Lane.
4. It is proposed to erect a mansard roof extension to form one self contained flat. A terraced area is proposed to provide outdoor amenity space.

Living conditions

5. As part of my site visit, I was able to access the roof of the appeal building so that all impacts could be properly assessed. I have taken into account the scale, distance and position of the development relative to the nearest windows/balcony areas belonging to Nos 17 and 18 Goldfinch Court, 713A Finchley Road. I acknowledge that the development would be relatively close to the windows/balcony areas of Nos 17 and 18 Goldfinch Court. However, the

proposed development would generally be viewed at an angle from the windows and balcony areas of these properties and for the most part there would continue to be an open outlook from these areas. On balance, I do not consider that the design, scale or bulk of the development would result in a significantly dominating or enclosing impact for the occupiers of these flats.

6. In respect of the effect of the proposal upon properties at Goldfinch Court, all principal windows would face north and the proposed "roof terrace" between the flats would not be accessed other than for maintenance and repair purposes. A planning condition could suitably address this matter. Whilst the proposal may have an impact on views from some of the existing surrounding properties, the Courts have held that the right to a view is not a material planning consideration.
7. For the above reasons, I conclude that the proposal would accord with the amenity aims of Policies 3.5 and 7.6 of the London Plan 2016; Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012; Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 and the Barnet Residential Design Guide Supplementary Planning Document 2013.

Other matters

8. I have taken into account comments made by other interested parties. The Courts have held that the effects of development on the value of properties or views are seldom material planning considerations. In any event, I have not been provided with any objective evidence to demonstrate that the proposal would have a negative impact on the value of properties. In addition, I do not consider that the proposal would have a significantly harmful effect on any views.
9. Taking into account the surrounding development, which includes some taller buildings (including 713A Finchley Road which is seven storeys), I do not consider that the proposal would look out of place in respect of the resultant scale of the building. I also note the various planning permissions that have been approved (some on appeal) which have increased the height of the appeal building/surrounding buildings. I have no reason to disagree with the views of the Council about the acceptability of the proposal from a design point of view.
10. As part of the determination of this application amendments were made to the proposal. The appeal drawings show that there would not be any windows on the east facing elevation which would directly face existing flats. A balustrade of 1.1 metres in height would be erected on the north east corner of development to prevent any access to this area other than for repair and maintenance purposes. Taking into account the above, the scale of the development proposed and the separation distances involved, I do not consider that the proposal would result in a material loss of privacy or light for any of the occupiers of the properties that surround the site.
11. None of the other matters raised outweigh my conclusion on the main issue.

Conditions

12. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of

the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.

13. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.
14. In the interests of the living conditions of the occupiers of No 713A Finchley Road, planning conditions are necessary which restrict the use of the land to the north east corner of the area facing No 713A Finchley Road to that of repair and maintenance only and that no windows or doors are inserted in the elevation facing No 713A Finchley Road.

Conclusion

15. For the reasons outlined above, the proposal would not have a significantly detrimental effect upon the outlook enjoyed by the occupiers of surrounding properties. Therefore, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, EWG_003_102, EWG_003_103, EWG_003_104, EWG_003_105, EWG_003_400 REV C, EWG_003_401 REV C, EWG_003_402 REV E, EWG_003_403 REV C, EWG_003_404 REV A and EWG_003_405 REV A.
- 3) The area located on the north east corner and facing No 713A Finchley Road 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.
- 4) 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 or doors, other than those expressly authorised by this permission, shall be placed at any time in the elevation facing No 713A Finchley Road.