
Appeal Decision

Site visit made on 6 September 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/N5090/D/16/3154942

40 Manor Hall Avenue, Hendon, London NW4 1NX

- 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 & Mrs J Licht against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/2387/HSE, dated 7 April 2016, was refused by notice dated 7 June 2016.
 - The development proposed is first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for first floor side extension at 40 Manor Hall Avenue, Hendon, London NW4 1NX in accordance with the terms of the application, Ref 16/2387/HSE, dated 7 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P/SE/1685/1, P/SE/1685/2, P/SE/1685/3, P/SE/1685/4.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located in an area of predominantly detached dwellings of varying design. The Council state that this area is characterised by relatively large gaps between properties, with relatively few extensions at first floor level. However, I noted at my site visit that there is a variation of gaps between dwellings along Manor Hall Avenue, with the flank walls of some properties being located in close proximity to each other. Whilst there are some significant gaps between dwellings, the variation in the design and arrangement of building means that there is no clearly defined rhythm in views along the street scene.
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4. The Barnet Supplementary Planning Document : Residential Design Guidance 2013 (SPD) states that where gaps between houses are a common feature, then proposals which close gaps or create a terracing effect by bringing buildings too close together are likely to be rejected. Specifically, paragraph 14.17 of the SPD states that there should be a gap of 2 metres between the flank wall of first floor extensions and neighbouring properties, with a minimum gap of 1 metre to the boundary.
5. The proposed first floor extension would be located above a garage to the side of the property and would be set back from the boundary by approximately 1 metre. However, a two storey extension has been built to the side of the neighbouring property of 38 Manor Hall Avenue which abuts the site boundary. Because of this neighbouring extension, the gap between the properties would be less than the 2 metres required by paragraph 14.17 of the SPD.
6. However, the proposed extension would have a significant set-back of approximately 6m from the front wall of the host building. It would therefore only be readily apparent in views from almost directly in front of the site. The extension is also relatively narrow in comparison to the main body of the dwelling and would clearly be subservient to the host building. Due to this set back and the limited width of the extension it would not have the 'terracing effect' which the SPD seeks to prevent.
7. I am mindful that the proposal would reduce the gap between the host dwelling and the neighbouring building which would affect views of the properties. Nevertheless, a gap would still be retained which would enable views through the site. Due to retention of a gap, the significant set back from the front wall, the clearly subservient nature of the extension and the variety of the width of gaps between dwellings along Manor Hall Avenue I consider that the proposal would not be harmful to the character of the property or the street scene.
8. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area. Whilst the proposal conflicts with the criteria of paragraph 14.17 of the SPD, it complies with the general principles of the SPD in relation to protecting the character of the property and the wider street scene.
9. The proposal would also not conflict with policies 7.4 and 7.6 of The London Plan 2015 which seek to protect local character. The proposal would comply with policies CS1 and CS5 of the Barnet Core Strategy 2012 which seek the highest standards of urban design to ensure that development respects local context. The proposal would also comply with policy DM01 of the Barnet Development Management Policies Document 2012 which states that proposals should preserve or enhance local character.

Conclusion

10. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to conditions that are necessary for the avoidance of doubt and in the interests of proper planning; and safeguarding the character and appearance of the area.

David Cross

INSPECTOR