
Appeal Decision

Site visit made on 20 October 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 8th November 2016

Appeal Ref: APP/N5090/D/16/3157108
74 The Fairway, Mill Hill, London NW7 3HP

- 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 Sandra Clifford against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3899/FUL, dated 13 June 2016, was refused by notice dated 19 August 2016.
 - The development proposed is a single storey rear extension and alterations to the front elevation for the provision of a new hardstanding.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed alterations to the front elevation for the provision of a new hardstanding. The appeal is allowed insofar as it relates to the single storey rear extension. Planning permission is granted for a single storey rear extension at 74 The Fairway, Mill Hill, London NW7 3HP in accordance with the terms of the application Ref: 16/3899/FUL, dated 13 June 2016, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following 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: Location Plan; Drawing No 999.06 Proposed Ground Floor Plan; Drawing No 999.09 Proposed Section DD;
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council changed the description of application Ref 16/3899/FUL from that contained on the application form to 'Single storey rear extension. Alterations to front elevation for the provision of new hardstanding'. This is a more accurate description of the proposed development which I have therefore used in the determination of this appeal.
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Main Issues

3. The main issues are:

- The effect of the proposed development on the character and appearance of the surrounding area.
- The effect of the proposed development on the living conditions of the occupants of adjacent properties with particular regard to outlook.

Reasons

Character and appearance - hardstanding

4. The appeal property comprises a ground floor flat in a building that has the appearance of a semi-detached dwelling but with two flats on the ground floor and two on the first floor. This part of The Fairway comprises a relatively straight, level, residential street of similar properties that have long rear gardens and front gardens predominantly bounded by hedges with a grass verge positioned between the pedestrian pavement and the edge of the road.
5. Properties in the immediate vicinity of the appeal site do not have provision for off street parking. Consequently, other than pedestrian access points, the front boundary treatment and the highway verge is not significantly interrupted by the formation of any vehicular access points. The extent of existing hedges and verge provide the street with a spacious and green character. This is emphasised by the relatively long straight stretch of the street that is located opposite the school.
6. The proposed hardstanding would provide off street parking for one vehicle and would be positioned directly in front of the ground floor window serving the living room to No 74. In order to access the hardstanding a stretch of hedging and highway verge would be removed.
7. The removal of the verge and hedge, which would appear to be the first access point to front hardstanding on this part of the street, would erode the current spacious and green character of this part of The Fairway and result in its replacement with harsher hard surfacing. In my view, given the uninterrupted nature of the verge and hedges, this would appear as a discordant feature on the street to the detriment of the character and appearance of the locality.
8. The appellant pointed out at my site visit the damage that had been caused to cars parked on the street as a consequence of vehicles having insufficient room to negotiate the street during school drop off and collection times. Whilst I have some sympathy with the concerns of the appellant that further damage is likely, this does not outweigh my findings of the harm that would be created to the character and appearance of the area were the hardstanding and crossover to be constructed.
9. Moreover, whilst each development has to be considered on its own individual planning merits, I am mindful in this case that were I to allow this appeal it is likely that the Council would find it difficult to resist similar proposals on this street with the consequence that its current character would be severely eroded.

10. Although I observed that the property at No 4 The Fairway has a hardstanding to the front, this is located close to the junction with Laleham Avenue, some distance away from the appeal site. It is located on a bend in the road and away from the relatively long straight road of The Fairway that lies opposite the school. As such, it does not make a contribution to the character of the straight stretch of The Fairway in the vicinity of the appeal site.
11. Taking the above factors into account, I consider that the provision of the hardstanding would have a detrimental effect on the character and appearance of the area. As such it would be contrary to Policies CS1 and CS5 of the Barnet Core Strategy (2012) (Core Strategy) and Policy DM01 of the Barnet Development Management Policies Document (2012) (DMP). These policies, amongst other things, require that development displays a high quality design that contributes to the creation of a quality environment and preserves local character.

Character and appearance – rear extension

12. The appeal property already has the benefit of planning permission for a single storey rear extension measuring 3.5m deep from the rear façade of the building. The proposed development seeks the construction of a single storey rear extension to a depth of 6m. This would adjoin the property boundary with No 78 and have a width of approximately 5.7m which would occupy approximately half the width of the rear façade of the appeal property.
13. The Council's Supplementary Planning Document – Residential Design Guide (SPD) indicates that single story rear extensions on semi-detached properties should normally have a rear projection not exceeding 3.5m. The document suggests that such extensions should not look too bulky and prominent compared to the size of the main building and garden to which they relate.
14. Although the proposed extension would form a significant addition to the property, owing to the close spacing between properties on The Fairway it would not be readily visible from public views on the street. Although it would be visible from the rear of properties in the vicinity, given the relatively long length of rear gardens in the area and the consequential intervening distance between properties I do not consider that it would appear as being unduly prominent. In addition, the length of the rear garden of the appeal property is sufficient to accommodate the proposed extension whilst still retaining adequate private amenity space.
15. A significant proportion of the existing rear façade of No 74 would remain visible. Taking the ground floor of the building comprising No 74 and No 78 as a whole, approximately one quarter of the rear façade would be occupied by the proposed extension and as such I do not consider that it would appear as being overly bulky in relation to the existing properties.
16. In this case, given the length of existing rear gardens, the fact that a large significant portion of the existing rear elevation remains visible and the fact that the proposed rear extension would not be readily visible in public views are material considerations which, in combination, are of sufficient weight to outweigh the related guidance in the SPD. I recognise that this proposal is longer than the suggested 3.5m in the SPD. However, given the locational and design factors in this case, I consider that the appeal proposal constitutes the circumstance where a longer extension would be acceptable. Consequently, I

do not consider that this proposal materially conflicts with the relevant guidance in the SPD.

17. Taking the above matters into account, I conclude that the proposed rear extension would not have an adverse effect on the character and appearance of the area. It would not therefore conflict with Policies CS1 and CS5 of the Core Strategy and Policy DM01 of the DMP. These policies, amongst other things, require that development preserves local character and respects the scale, mass, height and pattern of surrounding development.

Living conditions

18. The existing flat at No 76 is located on the first floor of the property and as such would have rear views over the roof of the proposed rear extension. Consequently, there would be no material loss of outlook from that property.
19. The ground floor flat at No 78 would have a rear window positioned in close proximity to the proposed eastern flank wall of the extension. The outlook from this window would be compromised to some extent by the approved extension having a depth of 3.5m. The proposed rear extension would undoubtedly have some additional impact on outlook at No 76. However, as the rear elevations of both No 74 and No 78 are south facing, I do not consider that the additional depth of 2.5m would materially worsen the outlook from No 78 to an extent to warrant the dismissal of this appeal on those grounds alone as an acceptable amount of light would still be received at this window.
20. Taking these matters into account, I do not consider that proposed development would have an unacceptable impact on the living conditions of the occupiers of nearby properties. As such, there would be no conflict with Policies CS1 and CS5 of the Core Strategy or Policy DM01 of the DMP. These policies, amongst other things, require development to be of a high quality design that allows adequate daylight, sunlight and outlook for adjoining occupiers.

Conditions

21. In addition to the standard time limit condition, I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring the external materials to be used in the construction of the rear extension to match those of the existing building.

Conclusion

22. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be allowed insofar as it relates to the single storey rear extension and dismissed insofar as it relates to the alterations to front elevation for the provision of new hardstanding.

Stephen Normington

INSPECTOR