
Appeal Decision

Site visit made on 22 November 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 23 November 2016

Appeal Ref: APP/N5090/D/16/3154309

Oakdene, 7 Tudor Close, Mill Hill, London, NW7 2BG

- 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 S. Latif against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/1853/HSE, dated 22 March 2016, was refused by notice dated 25 May 2016.
 - The development proposed is described as '*erection of rear extensions, extension of basement to encompass ground floor footprint and extension of loft conversion to include front and rear dualpitch gables – (Already permitted within planning application 15/04415/HSE) & double front extension of 3 m*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal description used in the above header is that taken from the application form. As such, the scheme as a whole is before me to determine. However, it is indicated within the cases of the main parties that permission has already been granted for a number of elements of the proposed works (LPA ref 15/04415/HSE); even though no works appear to have started on site at the time of my site visit. The contested element under this appeal is centred on a proposed two storey front extension not proposed on the originally approved plans, and I have focussed my considerations on this element of the scheme.
3. The dismissal of the appeal here does not alter the fact that the earlier granted planning permission could be implemented as approved; subject to the conditions imposed therein and any other such normal administrative matters.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the street scene; and,
 - The effect of the proposal on the living conditions of occupiers of adjoining dwellings, with particular regard to overlooking and privacy for the occupiers of No 6 Tudor Close.

Reasons

Character and appearance

5. The appeal building is located on the left hand side of the head of a private cul-de-sac. The street scene is characterised by a mixture of dwelling styles and forms; although most are two storey dwellings with shallow bays where present. To the front of the appeal building is a balcony at first floor level with a paved parking area on the ground floor located behind gates fronting the turning head of the cul-de-sac.
6. The proposal seeks the erection of a two storey extension to the front of the property with a gable roof. The originally approved scheme (LPA ref 15/04415/HSE) also had such a feature, but this had a depth of about 0.5 metres whereas the extension sought in this case would have a depth of about 3 metres (as shown on drawing TC/03/2016 PL05). Put simply, the front elevation would be similar in appearance to the approved scheme except for this increased depth. However, the increased projection of the front extension would appear as an odd feature within the street scene, where most bays are considerably shorter in depth.
7. The result of the depth and two storey height of the proposed extension would be an addition to the property that would appear as a large and visually dominant feature and would detract from the host building when viewed within the wider street scene. This would be exacerbated by the relatively small parking area to the front of the building. This area would be decreased by increasing the proximity of the two storey extension to No 6 Tudor Close, from the current approximate 8.8 metres separating the two buildings to about 5.8 metres, as shown at Paragraph 6.7 of the *Written Representations: Grounds of Appeal*. When viewed from the turning head of Tudor Close, the reduction of this separating gap, the loss of some parking area and the three metres depth proposed cumulatively would result in an extension that would be a bulky and disproportionate addition to the existing building.
8. Accordingly, I conclude that the front two storey extension proposed would result in a materially harmful impact on the character and appearance of the street scene. As such it would conflict with Policies DM01 and DM02 of the Development Management DPD (DMDPD), Policy CS5 of the Barnet Core Strategy (CS), as supported by the Residential Design Guide SPD 2013, insofar as they apply to character and appearance, which, amongst other aims, seek to ensure that all development should represent high quality design based upon an understanding of local characteristics.

Living conditions

9. In terms of overlooking and privacy for the occupiers of No 6 Tudor Close, the proposed extension would have windows at both ground and first floor levels. These would serve rooms labelled as family TV room on the ground floor and most likely a bedroom at first floor level. I saw during my site inspection that whilst the windows in the front elevation would be located opposite part of the side elevation of No 6 Tudor Close, there are no direct peer-to-peer windows on that part of the flank wall of No 6. Whilst there are both windows and a set of full length glazed doors facing west towards No 7, these are located to the middle and rear of the flank wall of No 6. As a result, occupiers of the

proposed front extension would look out towards the front northwest corner of No 6, rather than into a room or garden space at that property.

10. Accordingly, I conclude that the proposal would not result in a materially harmful loss of privacy or unacceptable increase in overlooking for the occupiers of No 6 Tudor Close. As such it would accord with Policies DM01 and DM02 of the DMDPD, Policy CS5 of the CS, as supported by the Residential Design Guide SPD 2013, insofar as they apply to living conditions, which amongst other aims seek to ensure that development proposals are designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Conclusion

11. Although I have found in favour of the appellant on the second main issue, this does not overcome the harm identified on the first main issue. I note concerns raised by neighbouring occupiers in terms of the basement extension and trees. However, as I am dismissing the appeal on the basis of one of the main issues, it would not alter its outcome and I need not consider these matters further.
12. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR