

Appeal Decision

Site visit made on 23 November 2016

by Ian McHugh Dip TP MRTPI

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

Decision date: 5 December 2016

Appeal Ref: APP/Q5300/D/16/3157936

19 Lancaster Avenue, Barnet, EN4 0EP

- 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 Lewis Temple against the decision of the Council of the London Borough of Enfield.
 - The application Ref 15/03079/HOU, dated 22 June 2015, was refused by notice dated 15 July 2016.
 - The development proposed is a single storey side/rear extension with lower ground floor (basement) at rear and integral garage at side; front porch; second floor rear extension and raised patio with external staircase at rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on the character and appearance of the appeal property and whether it would preserve or enhance the character or appearance of the Hadley Wood Conservation Area (CA); and the effect of the proposal on the living conditions of the occupiers of the adjoining dwelling at number 17 Lancaster Avenue (number 17), with particular regard to privacy.

Reasons

Character and Appearance

3. The appeal property is a large semi-detached Edwardian dwelling, which is situated in a residential area within the CA. One of the distinctive characteristics of the CA (which is a designated heritage asset) is large imposing dwellings, which are positioned within substantial plots. Whilst some of these dwellings have been altered and extended, many (including the appeal property) have largely retained their original form and appearance, particularly when viewed from the road frontages. The Council's Conservation Area Character Appraisal states that the appeal property makes a positive contribution to the CA.
 4. There is a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reflected in Policy 7.8 of the London Plan; Core Policy 30 of the adopted Enfield
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Plan Core Strategy 2010 (CS); and Policy DMD 44 of the Improving Enfield Development Management Document 2014 (DMD). The statutory duty is also reaffirmed in Section 12 of the National Planning Policy Framework (the Framework). Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5. The proposal comprises a number of different elements, as described in the banner heading above. Of these, the Council has no objection to the second floor rear extension. In my opinion, this would be an appropriate and sympathetic addition to the building because of its design and unobtrusive position at the rear of the property. I also note that similar extensions (including at number 17) have been built on other properties within the CA. Consequently, it would not be harmful to the appearance of the property and it would preserve the character and appearance of the CA.
6. I note that the Council has commented that the proposed side/rear extension would visually unbalance the pair of semi-detached properties. However, I noted at my site visit that extensions have been built onto the side of the other half of the building at number 17. Therefore, I am not persuaded by the Council's argument in that regard.
7. However, I consider that the proposed side/rear extension would be an overly large and unsympathetic addition to the dwelling. In my opinion, it would detract from the character and appearance of the property because of its excessive proportions, in particular its length and overall bulk. Given that the existing dwelling makes a positive contribution to the CA, I consider that the proposal would fail to preserve or enhance the character or appearance of the heritage asset. Consequently, it would conflict with the relevant policies of the Development Plan and with the provisions of the Framework, as referred to in paragraph 4 above.
8. The proposal would also conflict with Policy 7.4 of the LP; Core Policy 30 of the CS; and Policies DMD 11, DMD 14 and DMD 37 of the DMD. These policies generally require development to be of high quality design and also for development (including side extensions) to reflect the character of the local area and to not have an adverse visual impact.
9. In reaching my decision, I have attributed weight to the appellant's intention to use traditional materials and to install new timber sash windows. However, the incorporation of traditional detailing does not outweigh the harm that I have identified above. I have also given consideration to the appellant's contention that the side/rear extension would not be highly visible because of the screening effect of an existing hedge and garage between the site and number 21 Lancaster Avenue. Although the extension would be partially screened, it would still be visible from the street. Furthermore, the fact that a structure would only be partially visible does not justify development that fails to respond to local character or to add to the overall quality of the area.
10. I have also noted the existence of other side extensions locally. However, some of these are smaller in size and are therefore not comparable to the appeal proposal. I also consider that some of the existing larger extensions in the area

do not make a positive contribution to the locality and, therefore, they should not be regarded as a precedent for further development.

11. In the context of paragraph 134 of the Framework, the proposal would lead to "less than substantial harm" to the significance of the CA. Consequently, the harm must be weighed against the public benefits of the proposal. Whilst the proposal would provide additional accommodation for the appellant and his family, I am not persuaded that there are any public benefits arising from the development that would outweigh the harm that I have identified.

Living Conditions

12. The Council contends that the proposed raised patio at the rear of the property would significantly increase overlooking into the neighbouring property, number 17. Policy DMD 11 of the DMD (which I consider to be the most relevant to this issue) states that rear extensions should not have an adverse effect on the amenities of neighbouring properties. In addition, paragraph 17 of the Framework states (amongst other things) that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
13. I viewed the proposal from both the appeal site and the garden of number 17. The proposed raised patio would be at the same level as an existing raised patio at number 17. Existing boundary treatment between the two properties includes fencing and vegetation. Because of these factors, I consider that the relationship between the two properties would be no different to many similar situations in residential areas. Accordingly, there would be no undue loss of privacy to the occupiers of number 17 and the proposal would not conflict with the Development Plan or the Framework, as referred to above.

Conclusion

14. For the reasons given above in relation to character and appearance, I conclude that the appeal should be dismissed.

Ian McHugh

INSPECTOR