
Appeal Decision

Site visit made on 22 November 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 09 December 2016

Appeal Ref: APP/N5090/D/3157205
12 Engel Park, Mill Hill, London NW7 2NS

- 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 Mrs Sanjeeda Azam against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3519/HSE, dated 26 May 2016, was refused by a notice dated 1 August 2016.
 - The development proposed is a part single, part two storey side extension. Front extension. Single storey side extension (North East side). Loft conversion including rear dormers.
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Decision

1. The appeal is allowed and planning permission is granted for part single, part two storey side extension. Front extension. Single storey side extension (North East side). Loft conversion including rear dormers at 12 Engel Park, Mill Hill, London NW7 2NS in accordance with the terms of the application, Ref 16/3519/HSE, dated 26 May 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: Site Location Plan; Existing Elevations, 16-846-E02; Existing Floor Plans, 16-846-E01 A; Floor and Roof Plan, PL01; Elevations, PL02 A; Sections 1 & 2, PL03; Site Plan, PL04.
 - 3) The extension hereby permitted shall not be occupied until the windows in the south western elevation of the proposed side extension have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
 - 4) The materials to be used in the external surfaces of the extensions hereby permitted shall match those used on the existing building.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the north eastern or south western elevations.
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Main Issues

2. The main issues in this case are the effect on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers are 14 Engel Park, with particular regards to outlook.

Reasons

Character and appearance

3. Engel Park is a wide open street with deep pavements and characterised by a diverse mix of detached and semi-detached properties. Those properties close to Bittacy Hill, including the appeal property are generally large with dominant roofs and sited within relatively large and spacious plots.
4. No 12 has been previously extended in an unsympathetic manner and as a result appears visually incongruous. The conflicting roof forms, and an absence of any visual cohesion between the original property and subsequent extensions to it, particularly in respect of design, form and fenestration arrangements, have detracted from the property's overall appearance.
5. The appeal proposal would modify the existing property and introduce further additions that would then be encompassed by a single and simpler roof form. This would provide the dwelling with a more harmonious and cohesive appearance. Although the extensions would not be subordinate to the original dwelling, the overall resultant form and design of the dwelling would be more visually appropriate to its setting. Furthermore, its scale, including the dominant hipped and gable roof, would be characteristic of the scale and roof forms of other properties within this part of the street.
6. I conclude that the appeal proposal would not have a harmful effect of the character and appearance of the area. It therefore find no conflict with the development plan, and in particular Policy DM01 of Barnet's Local Plan, Development Management Policies, Development Plan Document, 2012 (DPD), which seeks to ensure that new development proposals preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Living conditions

7. The appeal property's existing side extension abuts the common boundary of the site with No 14 Engel Park. The facing flank wall of No 14 is within a metre of this boundary and has four windows within it. These windows are glazed with obscure glass and appear to be secondary windows or windows which do not serve habitable rooms.
8. I understand that the Council's Residential Design Guidance, 2013 (SPD) suggests that side extensions should be set in a metre from the side boundary, however in this case the property is already in conflict with this guidance. The appeal property's existing side extension and rear outbuilding

currently restrict the amount of light available to the neighbouring flank windows. Whilst the appeal proposal would increase the scale of development adjacent to the common boundary, and in that respect would be more enclosing, I do not consider that this would have a significantly harmful effect on the living conditions of the occupiers of No 14.

9. I have taken into consideration the marginal difference in the alignment of the rear elevation of the proposed side extension compared to the existing rear elevation of No 14. I have also had regard to the differing site levels. However, views of the proposal from No 14's rear habitable room windows would be extremely limited and consequently the extension could not be considered to be overbearing or enclosing. No 14's facing flank windows are currently restricted in terms of outlook and light and moreover, these windows are fitted with obscure glass and do not serve habitable rooms. Consequently, the additional mass of the proposed side addition would not have a significantly more harmful effect on the outlook from these windows or the light they receive.
10. I conclude that the proposed development would not have a harmful effect on the living conditions of the occupier's of 14 Engel Park. I therefore find no conflict with the development plan and in particular Policy DM01 of the DPD or the SPD which seek to ensure, amongst other things, that new development proposals are designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Conditions

11. The Council has suggested a number of conditions which I have considered against advice in the National Planning Policy Framework and Planning Practice Guidance. As a result I have amended some of them for clarity.
12. A condition is required to specify the approved plans as this provides certainty. It is necessary to impose a condition specifying materials to safeguard the character and appearance of the area.
13. I have imposed conditions to require windows to be fitted with obscure glass and prevent further window openings in the flank walls to protect the privacy of neighbouring residents.

Conclusion

14. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR