
Appeal Decision

Site visit made on 8 December 2016

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 14 December 2016

Appeal Ref: APP/N5090/W/16/3158987
80 Woodfall Avenue, Barnet EN5 2HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr F Koukakis against the Council of the London Borough of Barnet.
 - The application Ref 16/4355/HSE, is dated 2 July 2016.
 - The development proposed is a two storey side extension and a single storey rear extension and extensions to the roof involving 2 No rear dormers.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's registration letter and the appellant's appeal form as this more accurately describes the appeal proposal.
3. The Council issued a refusal notice on 13 October 2016, but this post-dates the lodging of the appeal. Therefore, I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. However, I have had regard to the Council's refusal notice, and the accompanying delegated officer report, in so far that it provides clarity in terms the reasons why the Council would have refused planning permission had it been able to do so. The main issues below are therefore taken from the Council's refusal notice.
4. The Council has indicated that amended plans were submitted during the determination of the planning application. I have obtained clarification from the main parties and the plans which were under consideration at planning application stage were 16043FK-PP-06; 16043FK-PP-07; 16043FK-PP-08; 16043FK-PP-09a; 16043FK-PP-10a and 16043FK-PP-11a. These plans show the first floor of the proposed side extension set back from the front elevation of the dwelling by 1.0 metre and the ridge of the proposed roof set down by almost 0.4 of a metre from the ridge of the main roof of the dwelling. I have determined this appeal based on these plans.

Main Issue

5. The main issue is the effect of the proposal upon the character and appearance of the area.
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Reasons

6. The appeal site is an end of terrace dwelling positioned within a corner plot in a predominantly residential area. It is proposed to erect a two storey side extension with two rear dormer windows and a single storey extension. The rear extension would project beyond the existing rear elevation by approximately 2.7 metres.
7. In its amended form, the first floor of the front of the side extension would be set back by 1.0 metre. In this regard, the proposal would accord with the adopted Barnet Local Plan Supplementary Planning Document "Residential Design Guidance" 2013 (SPD) which requires a minimum set back of 1.0 metre. However, the roof would be set down from the ridge line of the original roof by less than 0.4 of a metre. In this case, and given the stepped nature of the existing rooflines of properties on Woodfall Avenue (the street slopes significantly), there would be a need for a greater set down from the main roof of the dwelling in order to ensure that any extension would appear sufficiently subservient in scale. In this regard, the proposal would not accord with the SPD which would ordinarily require "*at least*" a set down of 0.5 of a metre.
8. The side extension would be 4.0 metres wide and the existing dwelling is about 6.0 metres wide. In this instance, there would be specific conflict with the SPD as the side extension would exceed more than half of the width of the original house. Consequently, the extension would not be ancillary in scale to the original dwelling.
9. The two properties at the entrance to Woodfall Avenue each have a sense of green and open space to their sides. This provides a degree of design uniformity of the entrance to this part of Woodfall Avenue which adds positively to the character and appearance of the area. I consider that the extension would be built too close to the boundary with the main road, and owing to its overall width and height would appear dominant within the street-scene detracting from the aforementioned distinctive character and appearance of the area.
10. When viewed from parts of Mays Lane, the rear roof slopes of properties on Woodfall Avenue can be seen easily. When approaching the site from the west, the rear roof slopes within the terrace are predominantly unbroken. There is one large box dormer within the rear roof slope of one property, but this is positioned further up the terrace and so is not as noticeable from Mays Lane. Given the prominent corner position of the appeal site, coupled with the overall scale and width of the proposed side extension, I consider that the two dormers would add even greater bulk to an already out of proportion and dominant form of development. Furthermore, such development would detract from the mainly unbroken roof lines which exist on the more publically visible rear elevations of Woodfall Avenue. In addition, even if the erection of the dormers had been acceptable in principle, they would not be acceptable in design terms. This is because they would be wider than the first floor rear windows of the dwelling and the SPD requires that any dormer roof extension "*should not normally be wider than the window below it*".
11. Whilst the existing boundary landscaping does provide some screening of the appeal site, the extension would still be visible from parts of Mays Lane owing to the elevated position of the land. Indeed, I noticed on my site visit that the rear of the existing dwelling could already be viewed from parts of this road. I

have considered the extensions referred to by the appellant which exist elsewhere in the area. I note that a very large extension has been erected to the side of No 89 Milton Avenue (now a separate dwelling referred to as No 91 Milton Avenue), but I consider that, owing to the position, width and scale of such an extension (including some very large rear dormers), this development is out of scale and dominant in the street-scene. In any event, this has been built in a different street, and in the context of Woodfall Avenue, the appeal proposal would cause unacceptable harm. I also note the appellant's reference to the extension at No 47 Elton Avenue, but its orientation with the main road is different to the appeal proposal. Furthermore, I do not know when or why these developments were allowed or whether or not the same planning policies were in place when planning permissions were approved. I have determined this appeal on its individual planning merits and against the most up to date local and national planning policies.

12. For the collective reasons outlined above, significant harm would be caused to the character and appearance of the host dwelling and to the area. Therefore, the proposal would not accord with the design aims of Policies DM01 of Barnet's Development Management Policies Development Plan Document 2012; Policy CS5 of Barnet's Local Plan Core Strategy Development Plan Document 2012; the SPD and Chapter 7 of the National Planning Policy Framework.

Other Matters

13. I agree with the Council that the single storey extension would be acceptable in terms of its design and scale and that it would accord with the relevant planning policies. However, this is not severable from the rest of the proposed development, and so I cannot issue a split decision.
14. I have no reason to disagree with the Council that the proposal would not cause harm to the living conditions of the occupiers of surrounding properties in respect of outlook, privacy and light. I note the appellant's comments about the advice that was received from the planning case officer as part of the determination of the planning application. However, I have determined this appeal on its individual planning merits and none of the other matters outweigh or overcome my conclusion on the main issue.

Conclusion

15. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR