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# Appeal Decision

Site visit made on 2 December 2016

**by Peter D Biggers BSc Hons MRTPI**

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

**Decision date: 19 December 2016**

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## **Appeal Ref: APP/N5090/D/16/3160288**

### **Kennel Cottages, Barnet Road, Barnet EN5 3HZ**

- 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 and Mrs F Marshall against the decision of the Council of the London Borough of Barnet.
  - The application Ref 16/4726/HSE, dated 18 July 2016, was refused by notice dated 21 September 2016.
  - The development proposed is demolition of existing rear extension and erection of single storey side and rear extensions.
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### **Application for Costs**

1. An application for costs was made by Mr and Mrs F Marshall against the Council of the London Borough of Barnet. This application is the subject of a separate decision.

### **Decision**

2. The appeal is dismissed.

### **Main Issues**

3. The main issues are:
  - Whether the proposal is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* (the Framework) and development plan policy.
  - The effect on the openness of the Green Belt.
  - The effect on the character and appearance of the host property and surroundings.
  - In the event that the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### **Reasons**

4. Kennel Cottages is located on a private drive off Barnet Road which serves a small number of detached houses standing in large plots. The property which was originally 2 cottages was converted to one dwelling some years ago and takes the form of a two storey house finished in render under a slate roof with single storey offshoots. With the exception of the flat-roofed, single storey rear/side extension
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which was reportedly built in the 1960s the evidence suggests that it is likely the other offshoot extensions to the property preceded 1948 and planning control. This assumption is not a matter of dispute between the parties. Thus, for the purposes of this appeal, I will take the 'original house' to be everything excluding the flat-roofed, single storey rear/side extension shaded green in the plan on page 5 of the appellant's statement.

*Whether the proposal would be inappropriate development in the Green Belt*

5. The Framework establishes that the construction of new buildings in the green belt is inappropriate unless, amongst other things, it involves the extension or alteration of a building. Paragraph 89 specifies that, to be acceptable, the extension or alteration should not result in disproportionate additions over and above the size of the original building.
6. Although the floorspace of the garden room is an existing extension, because it is an addition to the 'original house,' it forms part of the extension for the purposes of calculating proportionality. As the floorspace of the 'original house' extends to 103 square metres and the total extended area would be 87 square metres the percentage increase in floorspace amounts to around 84%. In volume terms the extensions amount to 31%. This exceeds the advice set out in the *Barnet Residential Design Guidance Supplementary Planning Document (SPD)* which states that, to be proportionate, the increase in volume should not exceed 25%.
7. It has been put to me that a 25% increase in volume is a low threshold and larger schemes have been approved and allowed on appeal elsewhere including permission at the property adjacent (Arkley Farm House). I do not consider either case referred to by the appellant is capable of direct comparison. In the Buckinghamshire extensions, won on appeal, (APP/K0425/W/15/3132241) the Inspector appeared to be referring to floor area rather than volume as the relevant factor and on that basis both the extensions were smaller than the cumulative extensions proposed at Kennel Cottages. In respect of Arkley Farm House I was only able to view the frontage and it was impossible to assess the context for the extensions in terms of the original house. I therefore will assess the Kennel Cottages proposal on its own merits.
8. I acknowledge that the SPD would allow larger extensions and a higher percentage increase in volume than 25% where this would achieve a better design result. However for the reasons set out below in the section on *Character and Appearance* I am not persuaded that the proposed extension would be a better design result for Kennel Cottages and therefore the larger volume increase would not be justified.
9. Notwithstanding the development for which the appellant has Certificates of Lawfulness of Proposed Use or Development (CLOPUD), which I deal with in 'Other Considerations' below, the proposal, considered on its own merits, would represent a disproportionate extension to the 'original house'. I therefore conclude that the proposal would be inappropriate development in the Green Belt and in this respect development would be in conflict with the Framework, policy DM15 of the *Barnet Local Plan Development Management Policies (BLP)* and the guidance in the SPD all of which seek to prevent inappropriate development.

*The effect of the proposal on openness*

10. The Framework confirms that the essential characteristic of the Green Belt is its openness and permanence.

11. It has been put to me that, because the extension will be seen in the context of the adjacent dwelling and would be subordinate to the host dwelling, the proposal would not prejudice openness. However the test of openness is about maintaining the Green Belt free from inappropriate development and the extent to which the proposal may be viewed in the context of other development is largely irrelevant.
12. The specific design proposed would add a wrap-around extension on two sides of the building and infill extensions on the third side. Whilst I acknowledge part of the wrap-around would be on the site of the existing garden room, the footprint and mass of the dwelling once extended would appear greater than the existing and the openness of the Green Belt by definition would be reduced, albeit by a modest amount. As such the proposal would conflict with the Framework and also with BLP policy DM15 which seeks to maintain openness.

#### *Character and Appearance*

13. The proposed extension design would result in an excessively long horizontal element to the west front of the property with a mix of hipped and flat roof components out of keeping with the main roof and an awkward grouping of extensions on the south side of the property. The combined effect would be an incongruous alteration, in which the lateral spread would not be subservient to the 'original house'. It would be architecturally unsympathetic to the design of the dwelling which is essentially a simple two storey property. I acknowledge that there are flat roof elements to the property at present and the intention would be to replace these with part pitched / part flat roofs but what is proposed would appear out of keeping with the character and appearance of the property.
14. It has been put to me that the extension would improve on what could be achieved by implementing the extensions under the CLOPUD proposals. However, for the reasons above regarding the excessive depth of the side extension, the roof form and the awkward groupings I am not persuaded that the appeal proposal would be substantially better than the CLOPUD schemes.
15. The extension would have a significantly adverse impact on the character and appearance of the dwelling. I accept that only a small part of the extension facing onto the access road would be visible from the public realm due to the tree planting and landscaping around the plot but nevertheless the proposal would conflict with the Policies of the BLP. Policy CS1 seeks the highest standards of urban design. Policy CS5 seeks development that enhances the Borough's high quality suburbs through the provision of buildings of the highest quality and protecting and enhancing gardens of residential properties. Policy DM01 states that proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings. The policies are consistent with the objectives of the Framework to secure high quality design. I particularly note that paragraph 64 of the Framework states that "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...*". For the reasons above the design fails to improve the character and quality and fails to meet the requirements of the BLP policies and the SPD.

#### *Other Considerations*

16. I have been invited to conclude that, even if the proposed extension would be inappropriate development in the Green Belt, the implementation of the appeal scheme rather than implementing the cumulatively larger CLOPUD schemes, would be preferable and amount to the very special circumstances to outweigh the harm.

17. In order to determine whether the 'fall-back' is a material consideration it is necessary to ask whether there is a greater than theoretical possibility that the CLOPUD schemes will be implemented. It has been put to me that the CLOPUD extensions are secured and that if the appeal scheme is not allowed they are capable of being implemented (the theoretical possibility). I acknowledge that there is nothing physically on the site that would prevent them being implemented and that there is a stated written intention to implement them. I also accept that, for as long as there is the possibility of permission for the appeal scheme, there would be no reason to expect the construction of the CLOPUD extensions to have commenced. However, by the appellants' own admission, the CLOPUD extensions would not provide the more integrated design solution that they consider the appeal scheme offers. Moreover, in combination, the CLOPUD extensions, as with the appeal scheme, would result in a fragmented set of additions to the property to the detriment of the character and appearance of the dwelling. I am not therefore persuaded that owners, concerned to achieve a well-designed extension to their home, would necessarily implement all three of them. As such there is not a greater than theoretical possibility of all three CLOPUD schemes being implemented.
18. It has been put to me that the appeal scheme, being smaller and better designed than the CLOPUD schemes, would be an improvement but, for the reasons stated above, the appeal scheme would not give a demonstrably better design. Thus, even if I was to consider that the CLOPUD schemes were a material consideration, the weight I would attach to it to justify allowing a poorly designed scheme that was also inappropriate in the Green Belt would be limited.

## **Conclusions**

19. I have concluded that the extension would be a disproportionate addition over and above the size of the original building and therefore would be inappropriate development in the Green Belt contrary to the Framework and BLP policy DM15 and SPD guidance. There would also be some loss of openness in the Green Belt. Together these factors constitute significant material harm to the Green Belt to which I must attach substantial weight. Moreover the proposal would substantially harm the character and appearance of Kennel Cottages and as a result would have some adverse impact on the wider visual amenities of the Green Belt, albeit limited.
20. For the reasons given the 'other considerations' presented by the appellant in support of the proposal would not clearly outweigh the harm to the Green Belt. Consequently, it has not been demonstrated that the very special circumstances necessary to justify inappropriate development exist.
21. Accordingly, the appeal should be dismissed.

*P. D. Biggers*

INSPECTOR