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## Appeal Decision

Site visit made on 29 November 2016

**by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA**

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

**Decision date: 23 December 2016**

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**Appeal Ref: APP/N5090/W/16/3158252**

**13 Shirehall Gardens, Hendon, London NW4 2QT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr and Mrs Z Noe against the decision of the Council of the London Borough of Barnet.
  - The application Ref 16/01438/DVCON, dated 17 May 2016, was refused by notice dated 19 May 2016.
  - The application sought planning permission for the variation of condition 1 (approved plans) of planning permission Ref 16/0336/FUL dated 30 March 2016 (Construction of a two-storey detached family dwellinghouse with rooms in the roofspace following demolition of the existing house).
  - The condition in dispute is No 1 which states: "The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; Planning Statement; Energy Statement by Ensphere dated 9 March 2016 Ref 16-E018-002; Site Location Plan; Drawing no. 15-530-PL-010 Rev A; Drawing no. 15-530-PL-020 Rev A; Drawing no. 15-530-OS-001 Rev B; Drawing no. 15-530-PL-110 Rev E; Drawing no. 15-530-PL-111 Rev D; Drawing no. 15-530-PL-120 Rev E."
  - The reason for Condition 1 is "For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012)."
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### Decision

1. The appeal is allowed and planning permission is granted for construction of a two-storey detached family dwellinghouse with rooms in the roofspace following demolition of the existing house in accordance with the application Ref 16/01438/DVCON, dated 17 May 2016 without complying with conditions 1 and 2 attached to planning permission Ref 16/0336/FUL dated 30 March 2016 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to new conditions 1 and 2:
    - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 15-530-PL-210; Drawing no. 15-530-PL-211; Drawing no. 15-530-PL-220 Rev A; Design and Access Statement.
    - 2) The development hereby permitted shall begin not later than three years from the date of the original planning permission Ref 16/0336/FUL dated 30 March 2016.
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## **Background and Main Issue**

2. Planning permission was granted to demolish the existing house and erect a two-storey detached dwelling with accommodation in the roofspace. Since the appealed refusal notice, an application was approved for the variation of condition 1 of the original planning permission to remove the single storey secondary projection and enlarge the primary projection at ground and first floor levels under reference 16/5193/S73.
3. A variation is sought in this appeal to the original permission to construct a full height secondary projection and a row of high level windows above the side extension. The proposed projection would be sited above the existing approved ground floor projection and the high level windows would face 15 Shirehall Gardens.
4. The main issue is the effect of the proposal on the character and appearance of the host property and wider street scene.

## **Reasons**

5. The appeal site comprises a two-storey detached house to the south-west of Shirehall Gardens in a mainly residential area of similar detached dwellings, several of which have been extended. The appeal site is not in a conservation area.
6. No responses were received to consultation letters sent by the Council to potentially affected neighbours. The Council has no concerns with the proposed windows that would be sited 2.5m above ground level and as such they would not unacceptably impact on the neighbouring occupiers or harm the character or appearance of the main property or the street scene.
7. Since the application was refused, the Council has adopted supplementary planning documents: Sustainable Design and Construction 2016 (SDC) and Residential Design Guidance 2016 (RDG), both of which are material considerations in this appeal.
8. The new two-storey front addition would have a hipped roof to reflect the main front projection from which it would be set back and subordinate in appearance. As such it would not in my view be out of keeping or incongruous in relation to the front elevation or the rest of the building.
9. As far as concerns the effect of the additional bay on the street scene I acknowledge that properties on Shirehall Gardens tend to have a single bay to one side of their front elevations. Plot sizes vary along the street however and several dwellings have been extended, for example Nos 21 and 25 which are close by, have double fronted bays which together with their gable front roofs have a strong impact in views along the street. Indeed other single main bays with imposing roof forms above make a strong statement throughout much of the street scene.
10. In my view the proposed additional bay with its considerably lower ridge height, would be a clearly subsidiary element to the host façade whilst preserving in this instance, the prominence of the approved main bay. The impact on the wider street scene would be minimal and as such I am not persuaded that it would undermine the coherence in the existing built form of development in the vicinity.

11. I conclude that the proposed secondary front projection would be of a height, scale, design and siting that would preserve the character and appearance of the main property, street scene and general locality. As such it would comply with the SDC, RDG, the London Plan<sup>1</sup> Policies 7.4 and 7.6, and Policies CS1 and CS5 of Barnet's Core Strategy 2012 and Policy DM01 of Barnet's Development Management Policies DPD 2012. Such policies I find to be generally consistent with the National Planning Policy Framework, in particular Paragraph 64 in that the altered design would preserve the character and quality of the area and the way it functions.

### **Conclusion**

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed. I will grant a new planning permission that substitutes conditions 1 and 2 with new conditions and retain the relevant non-disputed conditions from the previous permission.

*Grahame Kean*

INSPECTOR

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<sup>1</sup> London Plan: Spatial Strategy for London Consolidated with Alterations Since 2011 (2015)