

Appeal Decision

Site visit made on 14 December 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 30 December 2016

Appeal Ref: APP/N5090/D/16/3163366

28 Walfield Avenue, Whetstone, London N20 9PR

- 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 S Leach against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/4481/HSE, dated 7 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is the erection of two storey and single storey extensions to the side and rear and insertion of a dormer window in rear roof slope.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey and single storey extensions to the side and rear and insertion of a dormer window in rear roof slope at 28 Walfield Avenue, Whetstone, London N20 9PR in accordance with the terms of the application, Ref 16/4481/HSE, dated 7 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 699 PL/001, 699 PL/003 and 699 PL/004.
 - 3) The extensions hereby permitted shall not be occupied until the windows in the first floor of the west elevation have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Procedural Matter

2. There is no commonality between the description of development on the planning application form, the appeal form or the Council's decision notice. I have therefore described it as above since it most accurately describes the development to which this appeal relates. I have sought the views of both parties and there have been no objections. I have therefore determined the appeal on this basis.
-

Main Issues

3. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the building and the area and b) the living conditions of the occupiers of neighbouring dwellings, with specific regard to whether or not it would be overbearing.

Reasons

Character and Appearance

4. The appeal site comprises a semi-detached two storey dwelling set back from and facing north towards the road. It has vehicular access and parking to the front and a reasonably sized linear rear garden extending to the south. There is a uniform character to the layout of built development in the area. Common features include forward projecting two storey bay window detail and hipped roof forms.
5. Whilst I accept there are limited examples of two storey extensions visible in the immediate street scene, this does not necessarily mean harm would be caused by the proposed development. By being stepped in from the front elevation and down from the ridge height of the existing roof it would be subservient and follow the natural slope of the street scene as it runs downhill. In addition, the use of a hipped roof form, similar openings and matching external materials and finishes would ensure design and visual commonality.
6. The two storey section as it would extend round to the rear of the building would appear even more subservient to the side extension and again would share external detailing and roof design with the existing. In terms of proportioning, the rear element would have equally spaced windows and matching eaves heights to the host dwelling as well as only spanning in the region of two thirds of the width of the resulting rear elevation.
7. Dormer windows of the type proposed are a common feature of rear elevations as they are viewed from surrounding rear gardens and the single storey section on the rear elevation would replace a poorly designed flat roof projection, thus enhancing the elevation. Rear elevations in the wider sense are also much changed from their original form and include a large number of rear extensions of varying designs and projections.
8. In essence, the proposed development would not adversely affect those elements that make up the main design features of the street scene. The proposed extensions are well designed in themselves and have regard to the form and detailing of the host dwelling. For these reasons, and whilst it would result in a noticeable additional amount of built form in volume terms, I am of the view that the proposed development would not be an incongruous or dominant addition to the existing dwelling. It would not therefore cause harm to the character and appearance of either the host building or the area.
9. As such, the proposed development would not conflict with Policies 7.4 and 7.6 of the London Plan¹, Policies CS1 and CS5 of the Core Strategy², Policy DM01 of the Local Plan³ or the guidance contained in the Residential Design Guide SPD⁴.

¹ The London Plan 2015

² Barnet's Core Strategy Development Plan Document 2012

³ Barnet's Local Plan Development Management Policies Development Plan Document 2012

⁴ Barnet Residential Design Guide Supplementary Planning Document 2013

10. These Policies and additional guidance seek to ensure that, amongst other things and along with section 7 of the Framework⁵, new development is of a contextually appropriate and high quality design and appearance, respects local character and helps create a quality environment.

Living Conditions

11. The two storey side element of the proposed development as it would project to the rear would bring two storey built form closer to the shared garden boundary with Number 26 Walfield Avenue. The garden to No 26 is the same size and shape as the appeal site and is enclosed by close boarded fencing. It also has a staggered single storey flat roof rear extension which opens onto a small patio area. The patio area would be adjacent to the shared boundary and thus close to the proposed side extension.
12. Due to the location and orientation of the ground floor rear windows of No 26 relative to the proposed development I do not consider that it would have an overbearing or enclosing effect on them. The aforementioned small patio area would no doubt experience a larger amount of blank side wall in visual terms albeit this would not be a substantial change to the existing situation. In addition, and owing to the extent of the garden to No 26 when taken as a whole, occupiers would have ample opportunity to enjoy largely unencumbered private space without feeling enclosed. As such I do not consider that the closer proximity of the side wall of the two storey side extension would be overbearing to users of the garden.
13. Consequently, the proposed development would not give rise to an adverse effect on the living conditions of the occupiers of No 26. As a result, there would be no conflict with Policy 7.6 of the London Plan, Policy DM01 of the Local Plan or the guidance contained in the Residential Design Guide SPD. These Policies and additional guidance seek to ensure, amongst other things and along with one of the core principles of the Framework, a good standard of amenity for all existing and future occupiers of land and buildings.

Conditions

14. I have regard to the conditions that have been suggested by the Council and where they are included; I have made some consequential changes to their wording in the interests of clarity and enforceability.
15. I have included the standard time condition as well as one setting out the approved plans for certainty. Since the approved plans also specify the proposed external materials which are considered to be appropriate and for the most part would match the existing dwelling, a separate condition would be superfluous.
16. In the interests of safeguarding the living conditions of the occupiers of No 26, I have imposed a condition requiring the obscure glazing of the two first floor windows in the side (west) elevation. Whilst I note the additional condition suggested by the Council to restrict the insertion of any new windows in the flank elevation that would face No 26, should this be undertaken under permitted development⁶ allowances in the future, any in the first floor would

⁵ The National Planning Policy Framework 2012

⁶ Schedule 2, Part 1, Class A, A.3 (b) Town and Country Planning (General Permitted Development) (England) Order 2015

have to be obscurely glazed in any event. I therefore consider such a condition unnecessary.

Conclusion

17. For the reasons and subject to the conditions set out above, the appeal is allowed.

John Morrison

INSPECTOR