
Appeal Decision

Site visit made on 17 January 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 2nd February 2017

Appeal Ref: APP/N5090/D/16/3161446

89 Marsh Lane, Mill Hill, London NW7 4LE

- 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 Ms Emma Berg against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/2782/HSE, dated 27 April 2016, was refused by notice dated 19 August 2016.
 - The development proposed is the removal of the existing rear terrace including basement store rooms and replace with a wider terrace with new habitable rooms extending under the existing house.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of the existing rear terrace including basement store rooms and replace with a wider terrace with new habitable rooms extending under the existing house at 89 Marsh Lane, Mill Hill, London NW7 4LE in accordance with the terms of the application, Ref 16/2782/HSE, dated 27 April 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: Site Location Plan, 1525-02, 1525-03, 1525-04, 1525-05, 1525-06, 1525-07, 1525-08, 1525-09, 1525-10, 1525-11, 1525-12, 1525-13A, 1525-14A, 1525-15, 1525-16, 1525-17, 1525-18, 1525-19A, 1525-20A, 1525-21A and 1525-22A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. Following the submission of the planning application, amended plans were submitted which reduced the depth of the proposed terrace. The Council confirm that the application was determined on the basis of the amended plans. Whilst it is not clear from the evidence before me whether or not all relevant parties have been made aware of these amendments, given the minor nature of the amendments I find that no parties would be prejudiced by my consideration of them. Therefore, I have determined the appeal taking into account the amended plans.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the host property and the living conditions of the occupants of the adjacent neighbouring properties, with particular regard to outlook and privacy.

Reasons

Background

4. Prior to the Council's refusal of the planning application, the appellant submitted a further application¹, which sought permission for a new basement level and terrace. The application was approved. The appeal proposal basement and terrace would project approximately 2m further out than the approved scheme.

Character and Appearance

5. The appeal property is a substantial, detached, three-storey with basement dwelling with an extensive garden to the rear. The rear garden slopes down from south to north with the garden level being approximately one storey lower than the ground floor of the dwelling. There is an existing terrace on the rear which sits on top of basement store rooms. The neighbouring properties either side also have rear terraces.
6. In their delegated report the Council state that the rear extension (basement) would not have an impact on the neighbouring residents' amenities or the character of the host property and the immediate vicinity as other houses on Marsh Lane also benefit from rear extensions. Furthermore, the reason for refusal only refers to the raised patio extension and associated screening. Based on the evidence before me and the observations I made during my site visit, I find no reason to disagree with this view.
7. The proposed terrace would project a further 2m beyond the existing terrace. Due to the topography of the site, the existing terrace is not raised as high off the ground level as the proposed. However, whilst the proposal would involve the excavation of some of the garden area, which would result in the proposed terrace being at a greater height when measured from ground level, it would remain on the same level as the existing terrace. The perimeter of the terrace would comprise steel vertical railings which would be approximately 1.1m high and would provide a visually semi-permeable screen. Although the area of the terrace would be large, the dwelling and its associated garden can comfortably accommodate such an addition without detriment to its character or appearance.
8. On the property boundaries, either side of the terrace, there would be 1.8m high privacy trellises, screening the terrace from much of the views from the adjacent properties. The height of the trellises when measured from ground level would be high. Nevertheless, when taking into consideration the height of the existing privacy trellis on the boundary with No 91 March Lane and the existing outbuilding, which sits on the boundary with No 87, I do not find that these trellises would represent an incongruous feature and would not detract from the character or appearance of the dwelling.

¹ Council Ref 16/5155/HSE

9. Overall, I find that the proposal would provide a subordinate addition to the dwelling, respecting its scale and design, and therefore would not significantly harm the character and appearance of the host dwelling. As such, it would comply with Policies CS NPPF, CS1 and CS5 of the London Borough of Barnet Local Plan Core Strategy Development Plan Document (CS) 2012 and Policy DM01 of the London Borough of Barnet Local Plan Development Management Policies Development Plan Document (DMP) 2012, which, amongst other matters, seek to ensure that development respects local context, creates buildings of high quality design and respects the appearance, scale, mass, height and pattern of surrounding buildings. Furthermore, it would accord with the guidance set out in the London Borough of Barnet Local Plan Supplementary Planning Document: Residential Design Guidance (SPD), which states that extensions should be subordinate to the original dwelling.

Living Conditions

10. The proposed terrace would be approximately 1.7m off the boundary with No 87 Marsh Lane. The boundary would comprise a brick wall with a privacy trellis on top and the existing outbuilding. Consequently, views of No 87 would be limited from the terrace. Whilst much of the rear garden of No 87 would be visible, this would not be materially different to the existing situation, whereby clear views of the rear garden and rear terrace of No 87 are possible from the existing terrace. This would be a similar case with No 91, although there is a greater degree of existing trellis screening. Therefore, I do not find that the proposed terrace would result in any significantly harmful overlooking of the neighbouring properties.
11. With regard to outlook, the trellises would be high, within close proximity and clearly visible from the neighbouring properties. However, both of the neighbouring properties also have raised rear terraces, albeit not as large as the proposed. In addition, the neighbouring gardens are extensive; both wide and long. Furthermore, the cross-hatched design of the screening means that it would not be a blank physical barrier to views through it. Although finely balanced, given the size of the neighbouring amenity spaces, and the relatively short length of boundary that the screening would occupy, I do not consider that it would appear unduly intrusive or overbearing. Therefore, it would not have a harmful effect on the outlook from adjoining properties or create an unacceptable sense of enclosure.
12. I find therefore that the proposal would not significantly harm the living conditions of the occupants of the adjacent properties. As such, it would comply with Policy DM01 of the DMP and the SPD, which seek to ensure that development allows for adequate privacy and outlook for adjoining occupiers.

Other Matters

13. I acknowledge the comments received from neighbouring occupants during the application submission regarding party wall issues, surface water and drainage issues. However, there is no substantive evidence that the proposal would have any significantly harmful effect with regard to these matters. With regard to the comments concerning the external staircase and the position of the basement wall, I have considered the appeal based on the merits of the proposal before me.

Conditions

14. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the area a condition regarding materials is also necessary.

Conclusion

15. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR