

Appeal Decision

Site visit made on 21 March 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/N5090/D/17/3167756

8 Britannia Road, North Finchley, London, N12 9RU

- 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 Ashu and Jai Mahadeshwar against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/6307/HSE, dated 29 September 2016, was refused by notice dated 23 November 2016.
 - The development proposed is a single storey rear extension and 2-storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and 2-storey side extension at 8 Britannia Road, North Finchley, London, N12 9RU in accordance with the terms of the application, Ref 16/6307/HSE, dated 29 September 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a semi detached dwelling located on the corner of Britannia Road and Derwent Crescent in a mixed use area. Surrounding dwellings include largely two storey semi detached houses along Derwent Crescent, and flats and semi detached dwellings along Britannia Road. There are large office blocks in the vicinity and commercial uses nearby, on High Road.
 4. The appeal property, like the majority of semi detached dwellings in the area, is set back from the road behind a small garden/parking area, which extends along the side of the dwelling, and it has a larger garden to the rear. The presence of pavements, street trees, gardens, hedgerows and nearby parkland, all combine to soften the urban landscape and provide for a sense of greenery and spaciousness.
 5. During my site visit, I observed that Derwent Crescent is not set at ninety degrees to Britannia Road, such that the appeal property's plot is wedge-shaped
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rather than rectangular. This factor, together with the distance to the nearest dwellings along Derwent Crescent and the presence of garden land in between, containing mature trees and outbuildings, results in the appeal property having a strong relationship with houses along Britannia Road and a much weaker one with houses along Derwent Crescent. The effect of this is increased as a result of the appeal property also appearing very similar to its three immediate neighbours along Britannia Road and different to the nearest dwellings along Derwent Crescent.

6. Part of the proposed development would comprise a single storey rear extension and the Council finds that this element of the proposal would not harm local character to any significant extent. A two storey side extension is also proposed. This would be set back from the front elevation, and lower than the existing roof-line, and would, as a result, appear distinctly subordinate to the host property. During my site visit, I observed that the attached property to the side of No 8 Britannia Road has been extended to the side and whilst different in overall form, the proposal would, to some considerable degree, provide for a greater sense of symmetry than that which currently exists.
7. The proposal has been carefully designed to step-in from the pavement to the side of the appeal site. I consider that this, when combined with the wedged-shape plot and set back from the front building line, ensures the retention of the area's spacious qualities referred to above. The proposal would not be "directly adjacent to the pavement" as stated by the Council and nor would it narrow the entrance to Derwent Street. Rather, it would provide for a gap between building and pavement that would increase as one progresses along Derwent Crescent. It would, to some extent, increase built volume alongside the entrance to Derwent Crescent, but would do so in an appropriate and sensitive manner. During my site visit, I observed that the property on the opposite side of Derwent Crescent is constructed very close to the pavement edge and that this does not unduly harm local character.
8. Whilst I note that the Council is concerned that the proposal does not maintain the building line with Derwent Crescent, such a concern fails to give due regard to the existing relationship between the appeal property and Derwent Crescent. I find that, for the reasons set out earlier, there simply isn't a strong relationship to maintain in this regard and no substantive evidence has been provided to the contrary, or to demonstrate why failing to adhere slavishly to Derwent Crescent's building line would, in this case, result in significant harm.
9. In respect of the above, I am also mindful that that part of the proposal closest to dwellings along Derwent Crescent would, in any case, be set back a similar distance from the pavement as the fronts of those dwellings. In this regard, the proposal helps to strengthen the relationship with the building line along Derwent Crescent.
10. I note that the proposal largely adheres to the guidance set out in the Council's Residential Design Guidance, which, itself, provides helpful guidance to steer development, rather than impose strict rules to be adhered to at all times.
11. Taking all of the above into account, I find that the proposal does not harm local character. It is not contrary to the National Planning Policy Framework, to London Plan (2016) policies 7.4 and 7.6, to Barnet's Local Plan Development

Management Policies Development Plan Document (2012) Policy DM01, to Barnet's Local Plan Core Strategy Development Plan Document (2012) Policies CS NPPF, CS1 and CS5, or to the Council's Residential Design Guidance Supplementary Planning Document (2016), which together amongst other things protect local character.

Conditions

12. I have considered the conditions suggested by the Council against the six tests set out in paragraph 206 of the Framework. A condition relating to the relevant plan is necessary for the avoidance of doubt and in the interest of proper planning.

13. A condition controlling materials is necessary to protect local character.

Conclusion

14. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/N5090/D/17/3167756
8 Britannia Road, North Finchley, London, N12 9RU**

- 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: 8_N12-9RU_PA001; 8_N12-9RU_PA003; 8_N12-9RU_PA004; 8_N12-9RU_PA005; and 8_N12-9RU_PA007.
 - 3) The materials to be used in the external surfaces of the building shall match those used in the existing building.
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