

Appeal Decision

Site visit made on 10 April 2017

by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 4 May 2017

Appeal Ref: APP/N5090/C/16/3162729

Land at 101 Pennine Drive London NW2 1NN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 [‘the Act’].
 - The appeal is made by Mr Enayat Ullah against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice, numbered ENF/00730/16, was issued on 7 October 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a part single, part two storey rear extension.
 - The requirements of the notice are to:
 - (1) Restore the dwelling to the state in which it was prior to the breach of planning control by demolishing the first floor rear extension to match the dwelling as shown on drawing no. P1-02, P1-03 and P1-04 of the planning permission ref: 15/03814/PNH.
 - (2) Restore the dwelling to the state in which it was prior to the breach of planning control by modifying the ground floor rear extension to match the dwelling as shown on drawing nos. P1-01; P1-02; P1-03; P1-05 and P1-06 of planning permission ref: 15/04091/HSE.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a part single, part two storey rear extension on land at land at 101 Pennine Drive London NW2 1NN referred to in the notice.

Ground (a)

2. The main issue is the effect of the development upon the character and appearance of the host building and that of the locality.
 3. No. 101 is a two-storey semi-detached dwelling-house located within a mainly residential area. The Council say the development incorporates a single-storey rear extension about 6 metres deep and a 3 m deep part first floor rear extension. It argues that two different planning permissions have been implemented, making planning permission ref: 15/04091/HSE incapable of implementation. That may be so but the development, as built, is in my assessment compatible with the external appearance and style of the host building. This is because matching building materials have been used in the exposed elevations to the extensions. The increase in bulk, mass and volume does not adversely harm the host building.
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4. Cumulatively, the domestic scale of the extensions is, in my assessment, proportionate to the size of the host dwelling and reflective of the street's suburban quality. I take the view that the development reflects local characteristics as the alterations are not out-of-keeping with the residential character of the locality. The architectural style of the extensions is consistent with the settlement pattern.
5. I have not been provided with any specific conditions to consider. The development is acceptable in planning terms, because of the design and layout of the extensions. I therefore am satisfied that conditions would be unnecessary.
6. For all of the above reasons, I find that the development does not materially harm the character and appearance of the host building and that of the locality. Accordingly, the development complies with the purposes of policy CS5 Core Strategy 2012 and DM01 Development Management Policies.

Conclusion

7. For the reasons given above, and having considered all other matters, I conclude that the appeal should succeed on ground (a) and planning permission is granted. The appeals on grounds (f) and (g) do not therefore need to be considered.

A U Ghafoor

Inspector