
Appeal Decision

Site visit made on 9 May 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/N5090/D/17/3171423

14 Uphill Drive, Mill Hill, London NW7 4RR

- 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 Kerry against the decision of the London Borough of Barnet Council.
 - The application Ref 16/7759/HSE, dated 7 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is for a two storey rear extension and removal of chimney stack.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension and removal of chimney stack at 14 Uphill Drive, Mill Hill, London NW7 4RR in accordance with the terms of application Ref. 16/7759/HSE, dated 7 December 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: A-(10)-010 ; A-(10)-011; A-(10)-012; A-(10)-013; A-(10)-014; A-(10)-015; A-(10)-016; A-(10)-017; A-(10)-018; A-(11)-011; A-(11)-014; A-(11)-017; A(11)-018; A-(12)-010; A-(12)-011; A-(12)-012; A-(12)-014; A-(12)-016; A-(12)-018 dated 06/01/2016.
 4. The roof of the extension hereby permitted shall at no time be converted to or be used as a balcony or other form of outdoor amenity area.

Procedural Matter

2. The appellant within their planning application form referred to the description of proposed works as amended roof and windows to approved two storey extension and removal of chimney. Whilst similar, I consider that the Council's interpretation of the proposal is more precise, as an amendment per se does not constitute development. I have, therefore, determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

4. The appeal proposal relates to a large detached dwelling set within a residential area which largely comprises substantial detached houses within generous plots where mature trees and other vegetation predominates within the rear garden scene. The rear elevation of the dwelling is well articulated and includes a modest flat roof rear bay projection against which the proposal would be built. I noted on my site visit that 12 Uphill Drive, adjacent, also has a flat roof two storey rear extension, albeit to a lesser scale than that proposed here.
5. The Council's Local Plan Supplementary Planning Document: Residential Design Guidance (2016) states that flat roofs on two storey rear extensions are not normally acceptable because they do not relate sympathetically to the house. I accept that this would contrast with the existing dwelling's hipped roof, but it would not be wholly out of character with the host dwelling or the immediate vicinity by virtue of the flat roof features that I mentioned in the preceding paragraph. The extension would be quite contemporary in its appearance and therefore, I consider could act as a foil to the more traditional architectural character of the host dwelling.
6. Taking into account the fact that it would be obscured from public view, and with very limited views from the rear gardens of adjacent residential properties, I consider that the proposal would not give rise to demonstrable harm to the character and appearance either of the dwelling itself, or the wider area. I therefore find no material conflict with Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) or Policies NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) which state that the Council will take a positive approach in considering development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework, seek the high standards of urban design ensuring that development in Barnet respects local context and distinctive local character as well as preserving or enhancing local character whilst respecting the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Conclusion and Conditions

7. Therefore, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
8. The Council have suggested a number of conditions to be imposed upon any grant of planning permission, in addition to the standard time limit condition. These include those requiring the proposed external materials to be used in the construction of the extension to match those of the existing building, as well as stipulating that the development be carried out in accordance with the approved plans. I find these conditions both necessary and reasonable.

9. The Council seeks to remove permitted development rights for the insertion of further windows or doors within the side elevations of the extension. However, as permitted development rights restrict new glazing to obscure glass with no opening element below a height of 1.7m above the floor of the room to which they would be installed, I consider that such a condition would be unnecessary.
10. The Council also suggests a condition that prohibits the use of the roof of the extension from being used as a balcony or other form of outdoor amenity space. Whilst there is nothing before to suggest that this would occur in the future, nonetheless the use of the flat roof for such purposes would give rise to a significant level of overlooking upon the immediately adjacent dwellings and, therefore, I have imposed a condition to this effect.

C J Tivey

INSPECTOR