

Appeal Decisions

Site visit made on 26 July 2017

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 24 August 2017

Appeal A – Ref: APP/N5090/C/16/3159939

Land at 30 Mount Grove, Edgware, London HA8 8SX

- 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 appeal is made by Dr Lily Hua Ya against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The notice was issued on 23 September 2016.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a single storey front extension.
 - The requirements of the notice are:
 1. demolish the single storey front extension
 2. restore the land to the state in which was [sic] prior to construction of the single storey including rebuilding the bay window to its original design as shown on planning application ref: 16/4096/RCU, drawing no. 04P (extisting [sic] front porch).
 3. The [sic] permanently remove from the property of [sic] all constituent materials resulting from the works in 1. above
 - The period for compliance with the requirements is 3 Months after this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Appeal B - Ref: APP/N5090/W/16/3158758

30 Mount Grove, Edgware, London HA8 8SX

- 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 Dr L Hua Yu against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/4096/RCU, dated 21 June 2016, was refused by notice dated 18 August 2016.
 - The development proposed is described as: retrospective application for ground floor extension along front elevation.
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Summary of Decisions

1. Both appeals are dismissed and the enforcement notice is upheld with corrections. See Formal Decisions below.

Corrections to the notice

2. Minor grammatical and spelling corrections to the notice are expedient to make in the interests of clarity. I shall make them using the power in s176(1)(a) of the 1990 Act.
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Appeal A on ground (a) and Appeal B (s78 appeal)

3. The main issue is the effect of the development on the character and appearance of the host building, the pair of semi-detached houses of which it forms part, and the surrounding area.
4. The application subject to the s78 appeal seeks planning permission essentially for the development already carried out as alleged in the enforcement notice. The ground floor front extension appears to have been built in accordance with the submitted plans save for a minor difference in the replacement front window which I will deal with below. Accordingly I have dealt with the s78 appeal on the basis of the submitted plans and statements and what I have seen from my site visit.
5. 30 Mount Grove is one of a pair of semi-detached houses in a residential area. There are several similar properties nearby that make a positive contribution to the character and appearance of the area including by means of their well-articulated front elevations with separately defined porches and bay projections. The frontages vary considerably in style and form, however for the most part they are symmetrical within pairs of semi-detached units and in my view this established uniformity enhances the local character of the street.
6. The front extension at No 30 has a depth of 1.2m and spans the full width of the elevation. Such depth is similar to several domestic porches and front bay features as seen in the surrounding dwellings. The extension has a tiled pitched roof including a small Tudor style gable element, all to reflect the main front roof of the dwelling, including the use of matching painted render.
7. As seen against its host the extension appears incongruous due to the unusual small gable roof above the front door and the undefined porch which appears to extend across the full width of the property to form one element that has subsumed and enlarged the space occupied by the pre-existing bay window. Within the street there is no other ground floor front addition that matches the full width of the main elevation. Its overall bulk and mass has obscured existing features of the host and it appears as a dominant element.
8. Nos 30 and 32 are in a prominent position being visible from both directions within the street and from the mouth of Riverdene where a junction is formed with Mount Grove. Viewed as a pair of semi-detached properties, the extension has considerably detracted from their symmetrical qualities. This is particularly noticeable in the loss of the ground floor front bay window. It is replaced with an extension that projects forward of the façade of No 32 and at a height which obscures the herringbone decoration and render finish found in the upper part of No 30. The pitched roof elements, absent from the ground floor front elevation of No 32, further undermine the symmetry of this pair of dwellings.
9. Whilst I might agree that the replacement window to the front elevation is similar to the proportions of the existing windows, when seen within the expanse of unarticulated blank wall that has replaced the pre-existing bay, the affinity with the façade is lost. I note here that the plans show a different style of fenestration to that which is in situ but, although the window as proposed might better match the existing windows in the host building, it would not overcome the harm that the overall design of the extension has caused to the architectural integrity of the pair of dwellings, as can readily be seen from the photograph supplied by the Council of both their pre-existing front elevations.

10. The appellant submits other photographs that show several dwellings in Mount Grove with bay features and porches that project farther forward than the extension. However the features in the examples given do not extend to the full width of the building. I therefore consider them to be of limited relevance.
11. I have considerable sympathy with the structural problems encountered by the appellant with the property. I also accept that the extension is constructed with high quality and matching materials. However these factors cannot be a compelling reason to allow a poorly designed development at this site.
12. As such the development conflicts with the Council's Supplementary Planning Document: Residential Design Guidance 2013 (SPD), in that the extension is overly dominant and fails to respect the proportions of the existing house. The design including the size of the extension and its siting, form a prominent and incongruous addition to its host that unfortunately also fails substantially to respect the symmetrical qualities of the semi-detached pair of dwellings.
13. The harm caused undermines the character and appearance of the wider area and is contrary to the aims of Policy DM01 of the Barnet Development Management Policies 2012, and Policy CS5 of the Barnet Core Strategy 2012. These policies aim among other matters to ensure that development respects distinctive local character through high quality design, and respects the appearance, scale, mass, height and pattern of surrounding buildings.
14. The harm is also contrary to Policies 7.4 and 7.6 of the London Plan: The Spatial Development Strategy for London (Consolidated with Alterations Since 2011) 2015. The policies seek the highest quality design in development that is appropriate to its context and has regard to the form, function, and structure of an area and the scale and mass of surrounding buildings.

Conclusions on Appeal A, ground (a) and Appeal B (s78 appeal)

15. For the reasons given above and taking into account all other matters raised the s174 appeal fails on ground (a) and planning permission will be refused on the deemed application. The s78 appeal is dismissed.

Formal Decisions

Appeal A

16. It is directed that the requirements of the notice be corrected as follows:
 - In 2. after "in which" insert "it" and replace "extisting" with "existing"
 - In 3. delete "the" where it first occurs and after "property" delete "of"
17. Subject to these corrections the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act as amended.

Appeal B

18. The appeal is dismissed.

Grahame Kean

INSPECTOR