The Planning Inspectorate

Appeal Decision

Site visit made on 14 August 2017

by Nick Palmer BA (Hons) BPl MRTPI

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

Decision date: 1 September 2017

Appeal Ref: APP/N5090/D/17/3176183
99-101 Dallas Road, Hendon, London NW4 3JD

- 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 Ardian Zaberjgi & Mr Naser Pour against the decision of the Council of the London Borough of Barnet.
- The application Ref 17/0821/FUL, dated 23 January 2017, was refused by notice dated 26 April 2017.
- The development proposed is described on the application form as a "first floor rear extension up to 3m deep".

Decision

1. The appeal is dismissed.

Procedural Matters

2. Proposals for single storey rear extensions to the properties having depths of 6 metres have previously been submitted to the Council under the permitted development provisions of the General Permitted Development Order[1]. The Council determined that prior approval was not required in respect of those proposals[2] but those extensions have not been built.

3. The plan shows ground and first floor rear extensions to both properties. It would not be possible to construct the first floor extension without the ground floor being in place. As this has not been built I have to consider the development as a whole as shown on the plan which could be carried out as a single building operation.

4. The Council amended the description of the proposed development to include reference to the ground floor but the appellant did not agree this change. I have used the appellant's description in the heading notwithstanding that I shall consider the whole of the development shown on the plans.

Main Issue

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

[1] Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A
[2] Refs 15/02103/PNH and 16/5774/PNH

Reasons

6. The appeal properties are a pair of semi-detached houses. There are similar houses on the adjoining part of Dallas Road and terraced houses further along the road. Immediately adjacent to the site there are two houses of more recent construction which are arranged in a staggered layout close to the junction with Layfield Road. There are other houses to the rear of the appeal properties whose rear gardens adjoin the site.

7. The ground floor extension would project 6m from the rear wall of the dwellings and the Council states that the first floor would project about 3.6m, not 3m as stated in the description of the development as given. The latter would be set in from the side walls of the ground floor on either side and the extension would have a flat roof. While the reduced scale of the first floor relative to the ground floor would assist in relating to the scale of the original dwellings, the overall development would nonetheless be of substantial scale in relation to those dwellings. The proportions of the extension would be dominant and overbearing and would not harmonise with the existing building.

8. Furthermore, the flat roof above the first floor would be at odds with the architectural design of the houses and would appear incongruous in this respect. The appellants have referred to an amended plan showing a sloping roof which they say was prepared after the Council made its decision. That plan is not within the appeal documents before me. However had this plan been available I could not have taken it into account as to do so would have prejudiced parties who have not had an opportunity to comment on it.

9. Although there may be other rear first floor extensions along the road I saw none that are comparable to the proposal in terms of its size and depth of projection. Although the adjacent dwellings step back these are part of the established layout which follows the curvature of the road. The proposal would be visible from adjacent rear gardens and would be out of character with the area.

10. For the reasons given I conclude that the proposal would unacceptably harm the character and appearance of the area. The proposal would not accord with policies CS1 and CS NPPF of the Core Strategy[3] which require high standards of design and an attractive and sustainable environment. Policy DM01 of the Development Management Policies[4] has a similar requirement including preservation and enhancement of local character and respecting the appearance, scale, mass, height and pattern of surrounding buildings. The proposal would not accord with that policy requirement.

Conclusion

11. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

[3] Barnet's Local Plan Core Strategy (2012)
[4] Barnet's Local Plan Development Management Policies (2012)