



Appeal Decision

Site visit made on 7 November 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 28 November 2017

Appeal Ref: APP/N5090/W/17/3180172

6 Ramillies Road, Mill Hill, London NW4 4LX

- 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 D Artemiou against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/6086/HSE, dated 26 April 2017, was refused by notice dated 12 June 2017.
 - The development proposed is single-storey extensions to front and side of property with two storey rear extension including recladding existing dormer at second floor level.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this appeal to be firstly, the effect of the proposed development on the living conditions of the occupants of 8 Ramillies Road in terms of the availability of outlook, daylight and sunlight; and secondly, the effects of the proposed development on the character and appearance of the host dwelling and its surroundings.

Reasons

Site, surroundings and proposed development

3. The appeal property is a two-storey semi-detached dwelling situated in a predominantly residential street. It is set back from Ramillies Road, and adjacent to properties with very similar proportions and elevational detailing arranged in short terraces and semi-detached pairings. The appeal property has a large flat roofed dormer in its rear roof slope, the overall height of which is more or less the same as the roof apex, and whilst set back from the eaves line extends across most of the width of the roof.
4. The appeal scheme would introduce a two-storey pitched roof extension to the rear which would extend across the full width of its rear elevation, the apex of its roof attaching roughly to the mid-point of the existing dormer. A single-storey lean-to extension would be introduced to the side of the appeal property set back from its front building line, and extending along the flank of, but set back from, the rear elevation of the proposed rear extension. A porch would be introduced to the front. The existing dormer would be faced in zinc cladding.

Living Conditions

5. The flank wall of the two-storey rear element of the proposed development would be immediately adjacent to the boundary with 8 Ramillies Road. A ground floor window on the rear elevation of No 8 is close to the boundary with the appeal property. Consequently, due to the excessive scale of the proposed development's flank wall, combined with its depth, and proximity to the window of No 8 it would constitute an enclosing and overbearing presence, that would materially reduce the quality of the outlook available to the occupants of No 8 from that window.
6. Moreover, whilst I note that the garden of No 8 is broadly south facing, the scale, proximity and depth of the proposed development's flank wall would nevertheless reduce the amount of sunlight and daylight available to the ground floor window for a considerable part of the day.
7. Taken together the material reductions in outlook, daylight and sunlight available to the adjacent ground floor window of No 8 caused by the proposed development would result in considerable harm to the living conditions of the occupants of that adjoining property. In arriving at this view, I am mindful of the appellant's comment that the depth of the two-storey element would be no more than that recommended in the Council's guidance with regard to overshadowing. However, the appellant has not specified the guidance to which these comments refer, and in any event each proposal needs to be considered on its own planning merits.
8. Whilst I note the appellant's comments that a projection of 6m from the rear elevation is available under permitted development rights, I am mindful that extensions of this type are subject to a prior approval process where the comments of neighbouring properties are sought, and where the effects of a proposal to the amenity of the occupants of adjacent buildings are relevant material considerations. Moreover, I have been supplied with no evidence to suggest that approval for such a proposal has been sought or gained in relation to the appeal property. Consequently, this matter does not weigh in favour of the proposed development to any material degree. The appellant made references to potentially unimplemented permitted development rights relating to adjoining properties. However, I have been supplied with no evidence to suggest that their extension is anything other than a theoretical possibility at this stage, and as a consequence this is a matter that does not add any material weight in the appeal scheme's favour.
9. Accordingly, for the reasons set out above, the proposed development would cause considerable harm to the living conditions of the occupants of 8 Ramillies Road. Consequently, the proposed development would conflict with Policy DM01 of Barnet's Development Management Policies (adopted September 2012) (the DM Policies); and the Residential Design Guidance Supplementary Planning Document (adopted April 2013) (the SPD). Taken together, and amongst other matters, the policy and guidance seek to ensure that development proposals allow adequate daylight, sunlight and outlook for the occupiers of their adjoining properties.

Character and Appearance

10. The proposed rear extension, due to its overall scale and excessive width would, in combination with the extant rear dormer serve to overwhelm the

existing rear aspect of the appeal property and would consequently read as a dominant addition, insensitive to the proportions of its host dwelling and harmful to its character. Whilst not widely visible from public viewpoints, the proposed development could nevertheless be seen obliquely from Ramillies Road, in the gap between the appeal building and No 4, where its overall scale and bulk would be discernible. Moreover, the rear extension would be readily visible from the back gardens of Ramillies Road and from the houses and gardens of Worcester Crescent to the rear. Although I saw other rear extensions in adjacent properties, none were of a scale or massing readily comparable to the appeal scheme, and consequently, it would read as a dominant and incongruous presence within its immediate context. The proposed development would therefore cause harm to the character and appearance of the host dwelling and its surroundings.

11. The incongruity of the proposed development would be exacerbated by the use of zinc cladding on the dormer, which would make this element of the building more eye-catching, and would be at variance to the materials used in the host building and its surroundings. However, I consider that, notwithstanding this cladding forming part of the description of development, that conditions could be used to sever this element of the proposed development in this case, and that it would not, of itself constitute a reason to dismiss the appeal. Nevertheless, this matter does not weigh in favour of the proposed development when balanced against the clear harm it would cause in character and appearance terms.
12. Accordingly, for the reasons given above the proposed development would cause material harm to the character and appearance of its host dwelling and its surroundings. As a result it would conflict with Policy CS5 of Barnet's Core Strategy (adopted September 2012); Policy DM01 of the DM Policies; and the SPD insofar as they, taken together, and amongst other things, seek to ensure that residential extensions and alterations are based on an understanding of local characteristics and respect the scale, mass, height and pattern of surrounding buildings.

Other Matters

13. The proposed development would deliver some economic benefits as a result of its construction. However, the somewhat modest scale of these and their largely temporary nature, mean that they only attract limited weight in the overall planning balance.
14. I note that the proposed development would be built to modern Building Regulations standards. However, as these are minimum statutory requirements this matter does not carry any significant supporting weight in favour of the appeal scheme. I have had no substantive evidence submitted to suggest that the proposed development would lead to a greater level of energy efficiency in the existing building, and as a consequence the appellant's assertion that the environmental sustainability of the building would improve as a result carries only modest weight in the appeal scheme's favour.
15. I readily accept that the proposed development would enhance the living conditions of its future occupants to some degree, including access to local educational opportunities. However, these would be modest social benefits in the wider sense that accordingly attract only limited supporting weight.

16. The appeal site is not within the Green Belt, or Metropolitan Open Land, public open space or subject to any other special planning designations that would limit the potential volume of residential extensions. Neither is the appeal property in proximity to a listed building or within a conservation area. However, these matters only evidence a lack of policy conflicts in these regards and therefore only have a neutral effect on the overall planning balance.

Conclusion

17. The proposed development would cause considerable harm to the living conditions of the occupants of 8 Ramillies Road, and also harm the character and appearance of the appeal property and its surroundings. In the overall planning balance these are social and environmental harms that clearly outweigh the modest economic, social and environmental benefits that the proposed development would deliver. For these reasons the proposed development would not meet the expectations of the National Planning Policy Framework, which amongst other things seeks to ensure that development seeks to secure a good standard of amenity for all existing and future occupants of land and buildings, and responds to local character and reflects the identity of local surroundings.
18. Moreover, for the reasons given above, the appeal scheme would conflict with the policies of the development plan that have been drawn to my attention; and none of the other matters advanced in favour of the appeal scheme, either individually or cumulatively are of a sufficient weight to justify a departure from the development plan in this instance. Consequently, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR