



Appeal Decision

Site visit made on 22 August 2018

by D R Cullingford BA MPhil MRTPI

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

Decision date: 17 September 2018

Appeal Ref: APP/N5090/D/17/3180943

25 Prayle Grove, Cricklewood, London, NW2 1BA

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is by Mrs Mona Sadat Larinjani against the decision of the Barnet London Borough Council.
 - The application (ref: 17/2753/HSE and dated 27 April 2017) was refused by notice dated 27 June 2017.
 - The development is described as the erection of 'part single storey, part 2-storey, side and rear extensions following demolition of existing garage. Front porch'.
 - This decision supersedes that issued on 13 December 2017. That decision was quashed by order of the High Court.
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Application for costs

1. An application for costs was made on behalf of the appellant against the Barnet London Borough Council. This application is the subject of a separate Decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of part single storey and part 2-storey side and rear extensions following demolition of an existing garage and the erection of a front porch at 25 Prayle Grove, Cricklewood, London in accordance with the terms of the application ref: 17/2753/HSE (dated 27 April 2017) and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with following plans: Existing plans Drg.no.100, Existing elevations Drg.no.101, Proposed plans Drg.no.200 Rev.B and Proposed elevations Drg.no.201 Rev.B.
 - 3) 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s) of the first floor extension(s) hereby approved.
 - 5) The roof of the extensions hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to, or used as, a balcony, roof garden or similar amenity or sitting out area.
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Main issue

3. From what I have read and seen, I consider that this appeal turns on whether the proposal would:
- i) spoil the character and appearance of the appeal building and, thereby, harm the street scene, or
 - ii) impair the amenities that neighbouring residents might reasonably expect to enjoy in a suburban area such as this.

Reasons

4. The appeal property is a simple semi-detached house on what was once a modest Council estate, though the withered public realm has left the once generous verges and occasional 'green square' somewhat threadbare and unkempt. The place lies in the 'by-passed' interstices between busy arterial roads just to the south of Brent Cross and the grinding traffic on the North Circular Road.
5. The Planning Officer points out that the relevant SPD ('Residential Design Guidance 2016') indicates that extensions should be subordinate to the original house, respect the form, scale and style of the original building and should not be overly dominant. Helpfully, it is accepted that the modest front porch would meet those requirements.
6. Similarly, elements of the side and rear extension would comply with the guidance. The single storey element of the side extension would replace an existing garage, be substantially less than half the width of the house and project no more than 3.5m beyond the existing rear elevation, all as the guidance suggests. The single storey element of the rear extension would also project no more than 3.5m beyond the existing rear elevation, in accordance with the guidance. The 2-storey element of the side extension would be set back from the front elevation by a little over 1m and away from the side boundary by at least 1m, thereby maintaining a gap between the new flank elevation and the common boundary with no.25, all in line with the guidance; it would not project beyond the existing rear wall. The structure would also be set down from the main ridge, but only by 0.3m rather than the minimum of 0.5m advised by the guidance. However, it seems to me that the proposed side extension would still be perceived to have a noticeably lower roof profile than the host dwelling and, given the set-backs from the front elevation and the side boundary, together with the form, style and materials, that the structure would be an evidently subordinate and complimentary addition to the existing dwelling.
7. The 2-storey element of the rear extension would project just 3m from the existing rear wall and be set in from the side boundaries by 2.5m in relation to the adjoining property at No.27 and by 2.9m with respect to the adjacent dwelling at No.23. In that way it would more than meet the relevant parts of the guidance for 2-storey extensions and, indeed, it is accepted that there would be no detrimental impact on neighbouring properties. However, because the 2-storey structure would be more than half the width of the rear wall and project immediately beside a re-positioned rear window, it is claimed that the scheme would appear clumsy and that its sheer size, scale, bulk and design would damage the appearance of the existing and adjoining building, as well as the locality, resulting in the over-development of a relatively small plot. I am afraid that I find this claim to be erroneously muddled. There is nothing in the guidance to support the test applied and the plot, far from being small, accommodates a rear garden nearly 20m in

length. In any case, the scale and bulk of the 2-storey extension would not conflict with the parameters set out in the guidance and, although almost any design might be marginally improved, the structure would sit centrally within the new rear elevation imparting a symmetrical aspect to whatever impression might be glimpsed between the surrounding foliage that screens much of the rear garden from public vantage points. Taking all those matters into account, I consider that this proposal would not spoil the character or appearance of the appeal building nor harm the street scene.

8. In my reading of the plans, there would be no window (obscure glazed or otherwise) in the side elevations of the proposed extensions. So, there would be no overlooking or loss of privacy from that source. Nevertheless, it is asserted that, due to the relatively small gardens, together with the configuration and position of the 2-storey element, the rear extension would have an overbearing appearance when viewed from the windows and garden of the adjoining dwelling at No.27. Since the position and scale of that structure would more than meet the relevant criteria set out in the guidance, it is difficult to see how that assertion might be justified, unless the guidance itself is flawed. No evidence is adduced to that effect. Moreover, the basic premise of the assertion is false; the gardens are not 'relatively small' (especially the corner plot at No.27). And, it is evident that the extension would fall well short of infringing the 45° line taken from the nearest part of the nearest bedroom window at the adjoining dwelling. (I assume that the muddle of attributing those alleged harmful effects to the 'extension above the garage', as in the second reason for refusal, is a mistake.) In those circumstances, I consider that the proposal would not impair the amenities that neighbouring residents might reasonably expect to enjoy in a suburban area such as this.
9. The SPD ('Residential Design Guidance 2016') is intended to support the policy framework protecting and enhancing Barnet's distinctive character, as set out in the adopted Local Plan. Since I have found that this proposal would largely comply with that guidance, it follows that I consider that it would also accord with policy DM01 of the adopted Development Management Policies DPD (2012), policies CS1 and CS5 of the adopted Core Strategy (2012) and policies 7.4 and 7.6 of the London Plan (2015). I appreciate that neighbouring residents are concerned that construction of the scheme would cause some noise and disturbance, particularly to their young family, and that the structure would overshadow or overlook parts of their garden and patio. However, the construction would be temporary and be of a limited scale. And, due to the orientation of these properties (north west to south east) and the distance between the 2-storey structure and the property boundaries, I think that any additional overshadowing likely to occur would be very limited. For similar reasons, I consider that any overlooking would not be intrusive. Hence, and in spite of considering all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be allowed, subject to the conditions listed above.

David Cullingford
INSPECTOR