



Appeal Decision

Site visit made on 9 May 2019

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/N5090/D/19/3224340

135 Holders Hill Road, Church End, London, NW7 1ND

- 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 and Mrs Dawood against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/5020/HSE, dated 15 June 2017, was refused by notice dated 12 December 2018.
 - The development proposed is described as "Pursuant to loft conversion granted under LDC:PU a part single part two storey front side and rear extension."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form describes the development proposed as provided in the final bullet header above. However, this was subsequently altered by the Council to the "Part single, part two storey front/side and rear extension. Roof extension involving rear dormer window". I have determined the appeal on this basis as it more accurately describes the proposal.
3. A revised plan Ref Drg No. 16/07-3/07 Rev L has been submitted with the appeal in order to correct the omission of a stepped down roofline in the front view of the original plans. I am mindful that the original plans did show the first floor set back and lowered ridge height in the side view. I have assessed the nature and extent of these alterations in relation to the principles established in the "Wheatcroft judgement". As the changes proposed are relatively minor I conclude that the two schemes are not substantially different and that no-one's interests would be unduly prejudiced by my acceptance of this plan.
4. At the time of my site visit construction works were taking place to the rear of the appeal property. For the avoidance of doubt I confirm that my determination is based on the amended drawings submitted with the appeal, including the plan referenced in the paragraph above.
5. Subsequent to the date of the Council's decision, the Government published its revised National Planning Policy Framework (the Framework) on 19 February 2019. However, in relation to the main issues in this appeal, the revisions have not changed national planning policy.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the host dwelling and the street scene, and whether the development would contribute to an increased flood risk in the area.

Reasons

Character and appearance

7. The appeal relates to one half of a pair of two-storey semi-detached properties that is situated within Flood Zone 2 of the Environment Agency's Flood Zone Maps. The appeal dwelling and its side driveway area sit at a higher level than a 'Main River' (Hendon Cemetery Drain) which runs alongside a steeply rising narrow strip of land that comprises part of the appeal dwelling's garden area.
8. Holders Hill Road is predominantly residential in character however there are a number of commercial properties and community facilities along this highway. Although it comprises buildings of various sizes and styles, two-storey semi-detached dwellings are located to the northern side of the site and on the opposite side of Holders Hill Road. Hendon Cemetery is also situated on the opposite side of the river, to the south.
9. The Council's Residential Design Guidance Supplementary Planning Document (2016) (SPD) sets out that all extensions should normally be subordinate to the original house and not appear overly-dominant. In order to achieve this for side extensions it advises that, amongst other things, they should not be more than half the width of the original house, and their front walls should set back from the front building line, with first floor side extensions normally set back 1 metre.
10. However, the proposed front porch element would encompass the entire width of the proposed two-storey side extension's ground floor frontage. Rather than being set back from the front of the host dwelling it would project outwardly beyond the depth of the existing bay window. The proposed two-storey side extension element would also be over half the width of the existing dwelling and would project outwardly at two storey level to the back wrapping around and across the majority of the rear elevation of the host dwelling. According to the appellants' calculations, this would result in a 58% increase in gross floor space, which I consider to be a significant enlargement.
11. Whilst the garden area is of a relatively generous size, due to the difference in levels across the site it is likely that some underbuilding would also be required to accommodate this development, thereby adding to scale and massing of the proposal. All of these factors, along with the varying roof forms and rear dormer would therefore combine to create a dominant and oversized addition that would not be subordinate or sympathetic to the size, scale and design of the host dwelling.
12. The setting back of the first floor element of the proposed side extension by only approximately 0.5 metres from the front face of the building, and the slightly lower ridge height of this element of the proposal would not overcome the harm that I have identified. I also appreciate that the neighbouring cemetery contains a number of trees that would partially obscure the long distance views of this site from the south. However, this would not constitute permanent screening, particularly in the winter months when the

trees would not be in leaf. In any case, the discordant nature of the proposal would be plainly visible from other parts of Holders Hill Road, the rear garden area of the adjoining property, and the first floor windows of neighbouring properties on the opposite side of the highway.

13. The appellants have drawn my attention to a number of other porches and two storey side extensions in the surrounding area. However, none of the examples provided show properties to have a combination of front and two storey side and rear extensions similar to the appeal proposal. The first floor element of the two storey side extension at 152 Holders Hill Road also appears to be no more than half the width of the original house and the single storey element appears to be a similar width as the previous garage. Accordingly, their circumstances are not directly comparable to the appeal proposal. I have, in any case, determined the appeal on its own merits.
14. I therefore find that the proposal would unacceptably harm the character and appearance of the host building and the street scene. It would therefore be contrary to Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012), Policy DM01 of Barnet's Development Management Policies (DMP) Development Plan Document (2012), and advice in the SPD (2013). These policies and guidance seek to ensure, amongst other things, that new development complements the character and appearance of the area.

Flood risk

15. The Environment Agency has objected to the proposal on the basis that it would restrict essential maintenance and emergency access to the Hendon Cemetery Drain, which is a designated 'Main River'. In this regard, a separate Flood Defence Consent is required for development within 8 metres of the top of a bank of a Main River.
16. The appeal building is already within 8 metres of the river, and access to it is already restricted via a narrow steep embankment. The existing topography would make any access to the bank for heavy machinery very difficult. Although the proposal would bring development significantly closer to the river, the submitted plans show that an access route would still be available through the appeal site, albeit it would be similarly constrained. I have nothing substantive before me to demonstrate that this would unacceptably restrict essential maintenance and emergency access to the river over and above the existing situation. In any case, I note that there is a less restricted route along the opposite bank that could be used for access and maintenance should the need arise.
17. Separately, whilst the site is in Flood Zone 2, paragraph 164 of the Framework excludes householder development from the requirements of the Sequential Test.
18. In the absence of any compelling evidence to the contrary I am therefore unable to find that the development would contribute to an increased flood risk in the area. In this respect it would not conflict with Core Strategy Policy CS NPPF, which confirms the Council's positive approach, reflecting the presumption in favour of sustainable development. Nor would it be contrary to Core Strategy Policy CS13 or Policy DM04 of the DMP. Amongst other things

these seek to ensure the efficient use of natural resources, and the creation of adequate buffer zones and public accessibility.

Other matters

19. I note that the appellants are disappointed with the Council's handling of the application and I am aware that they consulted neighbours on their plans and amendments prior to the submission of the planning application. However, these factors have had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.

Conclusion

20. Despite my findings on flood risk, I consider that the harm that would be caused by the proposed development in respect of character and appearance to be an overriding concern. Therefore, having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mark Caine

INSPECTOR