
Appeal Decision

Site visit made on 18 July 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2019

Appeal Ref: APP/N5090/D/19/3225894

1 Elmcroft Avenue, London, NW11 0RS

- 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 G Dunner against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/7631/HSE, dated 24 December 2018, was refused by notice dated 27 February 2019.
 - The development proposed is described as the Demolition of the existing double garage; the provision of two storey side extension and a first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans have been submitted with this appeal which show the changes to the proposed extension, but I have no substantive evidence to suggest that the Council have made any assessment of these plans or whether the views of interested parties have been sought. The 'Procedural Guide – Planning Appeals – England' advises that if an applicant thinks that amending their proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application. I therefore attach no weight to these amended plans and have determined the appeal on the basis of those plans considered by the Council as listed in its decision notice.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the surrounding area; and,
 - the living conditions of the occupiers of properties on Hoop Lane that back onto the appeal site.

Reasons

Character and Appearance

4. The appeal property is a detached residential dwelling situated in an established suburban location where detached and semi-detached properties of similar, but not identical, character and appearance predominate. The property

has an extensive planning history, detailed in the Council's report, and has been subject to various extensions and alterations.

5. The appellant identifies, and the submitted plans show, that the proposed extension has been designed with a clear set down at the roof level and set in from the side and front elevations of the property at first floor level. As such, the extension would comply with some of the detailed guidance of the Supplementary Planning Document: Residential Design Guidance (the SPD).
6. However, the proposed development is of a considerable size and scale in itself and in combination with earlier extensions and alterations to the property. The submitted plans show the proposed development would be almost flush with the side boundary of the appeal site filling almost all of the plot as a result of the significant width of the extension at ground and first floor levels. Furthermore, at the first-floor level a gap to the boundary of 1m is provided whereas guidance set out in the SPD requires a gap of 2m in order to protect the character and appearance of the area.
7. Therefore, as a result of the overall size and scale of the proposed extensions and in combination with the existing extensions to the host property, I find that the proposed development would not be subordinate to the original house and would therefore result in a prominent and incongruous feature harming the character and appearance of the host property and the local area. Thus, the proposed development is contrary to Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document (DMP) and guidance set out in the SPD that seek, among other matters, to protect the character and appearance of the area.

Living Conditions

8. The proposed side extension would project towards the semi-detached properties on the corner of Elmcroft Avenue and Hoop Lane at both the ground and first floor levels and is shown on the submitted plans as being sited immediately adjacent to the boundary with those properties.
9. However, I observed at my site visit that the rear gardens of properties on Hoop Lane, immediately adjacent to the appeal site, are separated by the full length of the rear gardens which includes mature landscaping and, in the case of 27 Hoop Lane, a single storey garage building.
10. For the reasons detailed above, I do not find that the proposed development would detrimentally impact on the living conditions of the occupiers of properties on Hoop lane that back on to the appeal site. As such the proposed development is not contrary to policies DM01 and DM02 of the DMP and the guidance set out in the SPD in so far as they seek to protect the living conditions of the occupiers of properties from detrimental impacts resulting from new development.

Conclusion

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

Mark Brooker

INSPECTOR