



Appeal Decision

Site visit made on 12 August 2019

by J Alderman BA(Hons) MA MRICS

an Inspector appointed by the Secretary of State

Decision date: 23 September 2019

Appeal Ref: APP/N5090/D/19/3229800

12 Engel Park, Mill Hill, London NW7 2NS

- 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 Azam against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 19/1594/RCU, dated 18 March 2019, was refused by notice dated 30 April 2019.
 - The development proposed is BBQ and shelter.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a BBQ and shelter at 12 Engel Park, Mill Hill, London NW7 2NS in accordance with the terms of the application Ref: 19/1594/RCU, dated 18 March 2019, plan PL-300-001 Rev B and the location plan.

Procedural Matter

2. The application form states that the development applied for has been completed. I observed that the BBQ and gazebo shelter have been constructed. The Local Planning Authority determined the proposal on this basis and so shall I.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the host dwelling and its rear garden.

Reasons

4. Engel Park comprises a mixture of mainly semi-detached and detached properties. The appeal site is a detached property that has been significantly altered over time, with various extensions added, including a roof extension and extensions to the side and rear. The latter is a single storey conservatory type construction, this is surrounded by a patio with a ramp and step access to the garden.
5. The brick barbecue stands on four pillars inset with a worktop, it sits under the gazebo. The gazebo is open sided and is supported by four pillars, one at each corner and has a two tiered shallow pitched tiled roof. The gazebo is set down and thus at a lower level than the patio. The garden is relatively small in proportion to the size of the house and surrounded by a wall and trees.

6. The gazebo is fairly close to the rear of the host dwelling with only a modest patio in between. However, the paved area that it stands on is set at a lower level and this reduces its impact and visually it appears modest in comparison with the existing substantial detached property. The supporting pillars are light weight in structure, although the roof is more substantial, it appears well designed for the purpose for which it is intended. Overall the gazebo, through being set down from the host dwelling and of limited bulk and size does not create the impressing of clashing with the host dwelling or appearing overly awkward in relation to it.
7. The gazebo and barbecue are the main structures within the garden and a reasonable amount of garden area remains uncluttered. The gazebo takes up only a limited area of the garden, therefore I do not consider that it constitutes over development.
8. The Council have suggested that if the gazebo was relocated that this could improve the situation. However, the garden is modest in size and any relocation would bring it close the various boundaries and could create issues in relation to neighbouring properties. On balance its current position is an appropriate location for it within the garden.
9. I therefore conclude that the development does not cause harm to the character or appearance of the host dwelling or the rear garden. It therefore accords with Policies CS1 and CS5 of Barnet's Core Strategy (2012), which are concerned with good design. It also complies with Policy DM01 of the Adopted Development Management Document (2012), which requires development to respect the appearance, scale, mass, height and pattern of surrounding buildings. Finally it complies with the Residential Design Guidance Supplementary Planning Document (2013), which sets out the design principles for new developments.

Conclusion

10. For the above reasons the proposal accords with the development plan as a whole and therefore the appeal should be allowed.

Conditions

11. Condition 1 from the Council's list of conditions has not been included as the development has already been substantially completed. To include this condition would mean that on the grant of planning permission the appellant would immediately be in breach of this condition as they are unable to carry out a development that has already been undertaken. Instead a list of the relevant plans have been included within the decision for the purpose of clarity.
12. The standard timescale condition for commencement of the development (the Council's condition 2) cannot be included as the development is substantially complete.
13. Condition 3 relates to the use of materials, however, these are detailed on the application plans and a separate condition is not necessary.
14. The Council has included a condition (condition 4 in their list) in respect of the prevention of the roof of the gazebo being used as a balcony, roof garden or similar amenity or sitting out area. However, this condition is more relevant to a traditional house extension and due to the distance of the gazebo from the

house and its roof construction there would be little possibility of it being used in this way. Therefore I have not included this condition.

J Alderman

INSPECTOR