



Appeal Decision

Site visit made on 14 October 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2019

Appeal Ref: APP/N5090/D/19/3234673

26 Devonshire Road, Mill Hill, London NW7 1LL

- 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 Amit Parekh against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/2362/HSE, dated 23 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is New front porch. Part single, part two storey front, side and rear extension following demolition of existing garage and removal of existing chimney stack. Alterations to doors and windows including removal of side access door.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal property is situated in a mature residential suburb comprised mainly of semi detached properties, running either side of Devonshire Road. Within the road there are many examples of properties which have been extended, often involving adding accommodation at first floor, and in some cases ground floor porches. Some of these extensions have resulted in situations where one half of the pair is significantly different in terms of appearance to the other. [To some extent these variations are part of the character of the area.]
4. The property is semi detached and has what is often termed a 'catslide roof', that is long, continuous roof from ridge ground floor eaves height, running the length of the side elevation. The other semi, no 28 has a pitched roof dormer set within the catslide roof. Nos 30 and 32 are very similar properties. No 32 appears not to be extended; no 30 has a large dormer extension to the catslide roof. None of the 4 properties currently have extensions projecting forward of the front elevation.
5. The appeal property has only 2 bedrooms at first floor and the main door is located at the side. The gap between the side of the house and the neighbouring property at no 24 is wide enough to permit car access to a garage to the rear. The proposal is to infill most of the space to the side with a 2

- storey extension that would accommodate 1 additional bedroom plus a bathroom and en suite at first floor and a hallway and study at ground floor.
6. At the rear, a flat roof extension would project into the rear garden to provide a new kitchen and dining room. The existing garage to the rear would be demolished. The proposed extension to the rear would not be visible from the public side of the property and would have little if any effect on the character or appearance of the area.
 7. The proposed two storey element seeks to appear subservient to the massing of the original property by incorporating a lower ridge height, hipped roofs and 2 'step ins'. The porch to the front would project forward of the main building line of the property by approximately 1.2m and would have a pitched roof. All materials would match existing.
 8. The proposal would result in a dwelling that appears significantly different to its neighbours, and the existing character of the catslide roof would be lost. The property is not listed nor is it within a designated conservation area therefore it is necessary to consider whether the proposed design is so out of keeping with its surroundings that it fails to preserve or enhance local character to a significant extent, with particular regard to its scale, mass and height, taking account of the variations in the style of extensions already found in the area.
 9. The Council's Supplementary Planning Document: Residential Design Guidance October 2016¹ (the SPD) seeks to provide relevant advice. The guidance is clear that in the case of side extensions, proposals should ensure that a minimum of 1m is retained to the side boundary; there should be a set back from the front building line; and the width should be no more than half the width of the existing dwelling. The proposal would comply with the retained space to the side boundary, and would partly comply with the requirement to be set back from the front building line, at least in some of the first floor element. Given the nature of the property, whether the proposal complies with the third guideline depends on what you take as the width of the existing house. If you take as the reference point the eaves line of the building, the proposal would be judged to exceed more than half the width of the original dwelling. However, I take the view that a more appropriate measure would be the mid-point in the front elevation, against which the proposal would be less than half the width of the property.
 10. Although the proposal complies with the SPD in some respects, the overriding question is whether the extension would respect the design of the original building. Given the loss of the catslide roof, the proposal would not satisfy this test as the original design would be almost completely lost. The effect that this would have on the character and appearance of the area would be accentuated by the very significant difference in the appearance of the property compared with no 28, the other half of the semi which would as a whole appear unbalanced, and also nos 30 -32 which complete the group of 4 similar properties.

¹ The Council has not provided me with a copy however I am familiar with the document from other appeals which I have decided

11. I therefore conclude on the main issue that the proposal would cause harm to the character and appearance of the area, contrary to Policies CS5 of the Core Strategy Development Plan Document (2012) and Policy DM01 of the Barnet Local Plan Development Management Policies Development Plan Document (2012) and, in some respects, the related guidance in the SPD, and Policies 7.4 and 7.6 of the London Plan which seek to secure high quality design and protect local character.

Other Matters

12. The appellant refers to other examples in the local area where only one half of matching semi-detached properties have been extended, resulting in an unbalanced appearance. It is entirely reasonable for the appellant to draw these examples to my attention and I saw other similar examples in the area. However, I have no information on the specific circumstances of these cases, for example whether they were approved by the Council since the most up to date development plan policies and the related SPD have come into force. In addition, for the reasons given I consider that the proposal would have a significantly greater effect on the character and appearance of the area than some of the other developments which have taken place.
13. I have also considered the previous planning permission dated October 2007². The proposals are not exactly the same but I note the similarities and it is important that it is taken into account in my decision. However, the National Planning Policy Framework is clear that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst the previous approval is a material consideration, it does not outweigh the conflict with the development plan policies which place importance on achieving a high standard of design and for the reasons given I do not find that the proposal would satisfy the tests in the current development plan.
14. Although not raised by the appellant in his grounds for appeal, a porch extension could be added to the front of the property within the limits set down in the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended). I have taken account of this in my decision.

Conclusion

15. For the reasons given the appeal is dismissed.

Tim Wheeler

INSPECTOR

² Local Planning Authority reference W15844A/07