
Appeal Decision

Site visit made on 23 October 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2019

Appeal Ref: APP/N5090/D/19/3235373

6 Hemswell Drive, Colindale, London NW9 5WN

- 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 Mrs Mary Kadama against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/2941/RCU, dated 23 May 2019, was refused by notice dated 7 August 2019.
 - The development is the retrospective planning application for single storey rear extension which was built on existing demolished extension footprint.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit I could see that the development had commenced and the structure itself was substantially complete. Although the external surfaces and roof tiling were not yet complete. I have therefore considered the appeal on this basis.
3. In the Council's Delegated Report, it makes reference to No 74 Colin Park Road in the conclusion. As there is no such address in the immediate vicinity of the appeal site, I have taken this to be a typographical error. Therefore, I have used the properties mentioned earlier in the report, namely Nos 5 and 7 Hemswell Drive, as referred to in the Council's assessment of proposals.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the site and surrounding area; and
 - the living conditions of Nos 5 and 7 Hemswell Drive, with particular reference to outlook and light.

Reasons

Character and appearance

5. The host property is a two-storey terraced dwelling located in an area which is residential in character. The row of terraced properties are staggered and are grouped into pairs, with the adjacent pair being positioned slightly set back as you travel along the road. The host property is located toward the middle of a

- row of terraced properties and the adjoining properties are Nos 5 and 7 Hemswell Drive.
6. Due to the design of the properties the extension to the rear is not visible from the road, therefore, it does not impact on the street scene of Hemswell Drive. However, I noted on my site visit that it is readily visible from the open space to the rear of the property and the adjacent road, Elvington Lane. I also noted that there were no other similar extensions visible in the area. Therefore, the extension was in stark contrast to the existing pattern of development appearing as an incongruous feature on the rear elevation.
 7. The Council's Residential Design Guidance Supplementary Planning Document (RDGSPD) (2016) advises that rear extension should be subordinate additions constructed with materials which are in keeping with the rest of the house. For a terrace dwelling a depth of up to 3 metres would be considered acceptable. It also advises that care should be taken in the design and location of extensions to minimise impacts upon neighbouring properties.
 8. The Council has stated that the total depth of the single storey rear extension would measure approximately 4.3 metres in depth and have a maximum height of 3.5 metres. The scale of the extension is large in comparison to the host property and does not appear proportionate or subordinate.
 9. The Council has stated that the development has been constructed in materials which differ from those used in the main dwelling house. However, as the development is not complete, I am unable to determine whether the finish of the extension would match the host dwelling. In any case, were I minded to allow the appeal, the materials used for the development could be conditioned.
 10. Notwithstanding my comments with regards to materials, I conclude that the development harms the character and appearance of the site and surrounding area. Therefore, the development is contrary to Policy DM01 of the Local Plan Development Management Policies Development Plan Document (DMPDPD) (2012) and the Residential Design Guidance Supplementary Planning Document (RDGSPD) (2016). This policy and guidance seek development to be high-quality and respond to the local characteristics of the surrounding area.

Living conditions

11. Due to the positioning of the extension, it effects both Nos 5 and 7. The extension protrudes from the rear elevation of No 7 to a degree which impacts on the ground floor patio doors adjacent to No 6. The extension is positioned south of No 7, therefore, it reduces the opportunity of sunlight to reach this area of the property and would lead to an undue loss of light and overshadowing. Part of the rear elevation of No 7 is set back, and as a result, the extension creates an overbearing sense of enclosure, due to the nearest section of the house being inset from the extension and the projections to the rear of No 7.
12. The extension on No 6 projects a significant distance beyond the rear elevation of No 5. This creates a large expanse of brick wall adjacent to the rear window of No 5 and creates a sense of enclosure and an oppressive outlook for the occupants. The extension is positioned north of No 5, and as such, I do not consider the extension would cause a significant loss of sunlight or

overshadowing. However, my consideration of light in respect of No 5, does not lead me to a different conclusion with regards to the harmful effect on outlook.

13. Consequently, I conclude that the development harms the living conditions of the neighbouring occupants of Nos 5 and 7. Therefore, this is contrary to policy CS5 of the Local Plan Core Strategy (2012), Policy DM01 of the DMPDPD (2012) and the RDGSPD (Adopted 2016). These policies and guidance, amongst other thing, seek development to respect local context and distinctive local character, creating places and buildings of high-quality design.

Other Matters

14. The appellant has stated the extension was built on a previous footprint. However, I note that the Council state that plans for a previously approved extension¹ are not a true representation of the development on site. Based on the evidence before me, I cannot be sure of the lawfulness of the previous extension, and this matter does not therefore weigh in favour of the proposal. I do not have the planning status of the previous extension before me, and I must assess the appeal as submitted and on its own merits.
15. I acknowledge that the appellant has suggested that the previous extension was built of poor materials, which would not have passed building regulations, and that the new structure has been designed to meet building regulations. However, mindful of the uncertainty in relation to the status of the previous extension, this matter does not outweigh the harm that I have identified above, in relation to the planning merits of the proposal.
16. I note the appellant's comments regarding the actions of the Council in its determination of the planning application for this appeal property. However, this is not a matter for this appeal which I have determined on its planning merits.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR

¹ Reference: 18/6376/191