
Appeal Decision

Site visit made on 8 October 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2019

Appeal Ref: APP/N5090/W/19/3233390
96 and 98 Cat Hill, Barnet EN4 8HX

- 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 Arash Razdi and Mr Roopesh Patel against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/2993/FUL, dated 24 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is described as 'erection of a two storey rear extension across 96 and 98 Cat Hill, with alterations to the roof and windows dormers to facilitate a loft conversion'.
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Decision

1. The appeal is allowed, and planning permission is granted for a two storey rear extension across 96 and 98 Cat Hill, with alterations to the roof and windows dormers to facilitate a loft conversion at 96 and 98 Cat Hill, Barnet EN4 8HX, in accordance with the terms of application Ref. 19/2993/FUL, dated 24 May 2019, and subject to the attached conditions.

Procedural Matters

2. The appeal site address in the banner heading above is taken from the appeal form as it more accurately describes the location of the appeal site than the address given on the application form.
3. The description of the proposal on the planning application form was altered by the Council during the course of determining the planning application. Therefore, whilst the decision notice uses a different development description, for the avoidance of doubt, I have determined the appeal based on the description given on the planning application form.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site comprises a pair of semi-detached properties, Nos 96 and 98 Cat Hill, which are located on a suburban street. The area around the appeal site contains residential properties which have a broadly similar underlying design to the appeal properties, but many have been altered and extended

- over time. The rear of the appeal site, like many others on Cat Hill, has an elongated garden.
6. Several recent planning permissions have been granted at No 96 for a range of extensions and alterations, including a ground floor rear extension, rebuilding works, and two-storey side and rear extensions¹. Whilst I have not been provided with a copy of the approved plans relating to them, the plans submitted with this appeal show the footprint of a permitted two-storey side and rear extension, and I saw on my site visit that significant construction works were taking place to the rear of No 96.
 7. The Council's main contention relates to the proposed two-storey rear extension. In this regard, the two-storey element would extend the full width of No 96, and more than half the width of No 98, projecting towards the rear of the original dwellings. It would alter the existing hipped roof to create a crown type roof form, whilst retaining the hipped roof element at the end of No 98. The extended roof would include two rear facing dormers.
 8. On my site visit I viewed the appeal site from the rear garden. From here the existing built form in the area lacked uniformity owing to the presence of a range of large extensions and alterations to the rear of nearby properties, including rear facing dormers. Any obtainable views of the proposal from nearby properties to the side and rear would be largely tempered by the length and verdurous nature of the gardens in the area. Views from Chestnut Grove to the rear of the appeal site would be limited, and as the proposed roof would be no higher than the original roofs associated with the appeal dwellings, and given the distance of the proposal from Chestnut Grove, it would not appear as a discordant feature in the street.
 9. Furthermore, the two-storey element proposed would not project significantly further to the rear than the existing built form at No 94, and there would be an appreciable gap between the proposed extension at No 98 and the boundary of No 100. In combination with the proposed single-storey rear extensions and the dormers, I am satisfied that the proposal would not result in the loss of a disproportionate amount of rear garden space and would sit comfortably within its setting, without appearing cramped or congested.
 10. Whilst I accept that the proposal would not appear subservient to the host dwellings and would appear as one single entity when viewed from the rear of both dwellings, in my view, the considerable variances in the design of the rear of other dwellings with their respective extensions, and the nature and spaciousness of the garden plots means that the proposed extension would not appear overly obtrusive or prominent when compared with the existing built form in the area.
 11. The proposal includes several other elements, including, but not limited to, the replacement of first floor rear windows with a juliet balcony, one side facing dormer, and the provision of five rooflights within the front roof slope. The Council raises no objection to these elements or to the overall impact of the proposal on the living conditions of nearby occupants. Based on the evidence before me and my site visit, I have no reason to take a different view.

¹ Council of the London Borough of Barnet planning permission references – 19/1171/HSE, 19/0049/HSE, 19/3222/HSE

12. For the above reasons I find that the proposed development would not harm the character and appearance of the area. It would not conflict with Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document 2012, Policies CS1 and CS5 of Barnet's Local Plan Core Strategy 2012, or Policy 7.6 of the London Plan 2016 which, amongst other matters, seek to ensure that new development in Barnet respects local context and distinctive local character. The development would not harm the character or appearance of the properties or area, compliant with the Local Plan Supplementary Planning Document Residential Design Guidance 2016.

Other Matters

13. A third party has alleged that unauthorised building works have been carried out at No 96. However, I am obliged to consider the proposal before me, which I have done in reaching my decision. Works falling outside the scope of this appeal are matters between the parties and have had no bearing on my decision.

Conditions

14. I have had regard to the conditions that have been suggested by the Council and considered them against the Planning Practice Guidance. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans as this provides certainty. In order to protect the privacy of neighbours, conditions are needed in order to restrict additional windows in the side elevations, and obscure glazing is required in the proposed dormer facing No 94, given the presence of existing windows in that property. I have also applied a condition to control the materials to be used in the extension in the interests of protecting the character and appearance of the area.

Conclusion

15. For the reasons given I conclude that the appeal is allowed.

Matthew Woodward

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-100 Rev A, PL-101 Rev A, PL-102, PL-104, PL-105, PL-150 Rev C, PL-151 Rev C, PL-152 Rev C, PL-153-Rev B, PL-154, PL-155.
- 3) The external materials used in the external surfaces of the approved extensions shall match those used in the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or doors, other than those expressly authorised by this permission, shall be constructed in the walls facing either No. 94 or No.100 Cat Hill.
- 5) Before the building hereby permitted is first occupied the proposed side dormer window facing No. 94 Cat Hill shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

END OF SCHEDULE