



Appeal Decision

Site visit made on 26 November 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2019

Appeal Ref: APP/N5090/C/19/3231389

98 Fortescue Road, Edgware HA8 0HN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Rumona Chowdury against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice, numbered ENF/1270/18, was issued on 14 May 2019
 - The breach of planning control as alleged in the notice is the construction of a side and rear extension.
 - The requirements of the notice are to:
 1. Demolish the single storey wrap around side and rear extension; and
 2. Permanently remove all constituent materials resulting from the works in 1. above from the property.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) the deemed application

Background and main issues

2. Planning permission was granted for side and rear extensions under reference 18/5890/HSE. I have not been provided with full details of this scheme, although it is understood that this application was for two separate extensions of different design to the development under consideration in this appeal.
3. The notice relates to the construction of a side and rear extension at the appeal site. I have had regard to the Council's reasons for refusal, and I consider that the main issue is the effect of the development on the host property and the character and appearance of the Watling Estate Conservation Area (WECA).

Reasons

4. The appeal site is located at the end of a small terrace of two storey houses. It is within a primarily residential area and set within the designated WECA. The residential properties in Fortescue Road generally form compact terraces that

are set within modest front gardens. The properties within each terrace are of consistent scale, design and architectural detail and there is a strong sense of symmetry.

5. I have had regard to the Watling Estate Conservation Area Character Appraisal Statement (2007). This gives additional information about the particular characteristics of the WECA. In summary, the significance of the WECA lies from the sense of relief and order, with short terraces and small areas of greenspace, with the terraces positioned around them. The buildings close to road junctions tend to be angled behind small areas of open grass to provide tapering views into the street.
6. The appeal property is a two storey end of terrace dwelling, close to the junction of Fortescue Road and Cressingham Road. The adjacent property at No.100 is set at an oblique angle, around a small grassed area as described above. This gives the appeal site a prominent position when approaching from Cressingham Road. The host dwelling follows the characteristics of the area, being consistent in form, scale and design to the others in the terrace. Accordingly, it makes a positive contribution to the WECA.
7. The side elevation of the extension has undoubtedly changed the appearance of the site when viewed from the road. Similarly, the rear element is clearly visible from the rear of neighbouring properties including those angled around the small open space further along the road. I acknowledge that the external finishing materials are similar to those used on the original dwelling. However, the combined scale and design of the development has resulted in an extension that appears over large and out of proportion to the modest size of the original building.
8. The extension results in a significant loss of symmetry to the terrace as a whole. Moreover, has caused in an erosion of the important spacing between the host and neighbouring dwelling at No.100 and the junction with Cressingham Road beyond. The position and scale of the extensions are significantly at odds with the uniformity that characterises the original design of the building, the rest of the terrace, and WECA as a whole.
9. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving and enhancing the character or appearance of conservation areas.
10. The National Planning Policy Framework (the Framework) states that harm to a heritage asset might be defined as 'substantial' or 'less than substantial.' However, Planning Practice Guidance (PPG) advises that in general terms, substantial harm is a high test and that works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. In finding harm to the Conservation Area, due to the small-scale nature of the proposal when taken in the context of the Conservation Area as a whole, I would quantify its extent to be less than substantial.
11. Nonetheless, I attach considerable importance and weight to that harm, and in applying the test set out in the Framework, I note that no additional public benefits for the scheme have been identified. Accordingly, whilst I acknowledge the private benefits of the development to the appellant in terms of additional space, there is little public benefit to offset the identified harm.

12. Overall, I find the development causes harm to the host building and the character and appearance of the area and WECA. The proposed development would therefore be in conflict with Policies DM01 and DM06 of the Barnet's Local Plan (Development Management Policies) Development Plan Document (2012); Policy CS5 of the Barnet's local Plan (Core Strategy) Development Plan Document (2012); and Policies 7.4, 7.6 and 7.8 of the London Plan. These policies in summary, seek to ensure that development is based on an understanding of local characteristics, that preserve or enhance historic local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Other matters

13. My attention has been drawn to a number of other properties with extensions that are understood to have been granted planning permission. These include 144 Montrose Avenue, 61 Abbots Road, 139 Montrose Avenue, 207 Watling Avenue and 224 Edwin Road, Edgware. However, I have no evidence before me to confirm the history or circumstances for any of these. In any event, I have to determine this appeal on its own planning merits, and their presence would not justify granting this appeal.

Conclusion

14. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Hilary Orr

INSPECTOR