



Appeal Decision

Site visit made on 21 January 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2020

Appeal Ref: APP/N5090/D/19/3238301

4 Frith Manor Cottages, Partingdale Lane, Mill Hill, London, NW7 1NT

- 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 Aaron Georgiou against the decision of the Council of London Borough of Barnet.
 - The application Ref 19/2064/HSE, dated 4 April 2019, was refused by notice dated 16 August 2019.
 - The development proposed is remove the conservatory and construct rear basement and ground floor extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - (a) Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan;
 - (b) The effect on the openness of the Green Belt;
 - (c) The effect of the proposal on the character and appearance of the host property;
 - (d) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons for the Recommendation

Whether inappropriate development

4. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One

exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Similarly, Policy DM15 of Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012) (the 'DMP') follows the same path.

5. Neither the Framework nor Policy DM15 explicitly set a percentage limit as to what scale of extension would amount to a 'disproportionate addition'. However, the Council's Residential Design Guidance Supplementary Planning Document (2016) (the RDG) recommends that a figure of 25% should be used as a guiding principle in order to protect openness, albeit that the RDG does accept that a degree of flexibility may be exercised depending on individual circumstances. The appellant has not questioned the rationale behind the approach of the RDG. I am aware that proportional figures used in local policy documents can vary in different areas but I am satisfied that the guidance is a useful benchmark, given the nature of the area in the Metropolitan Green Belt.
6. Consideration of what represents a disproportionate addition over and above the size of the original building requires me to determine what constitutes the original building, and assess whether the development, when taken in combination with any previous additions to the original building, results in a disproportionate addition. In other words, keeping in mind that the existing conservatory will be removed, when taken together is the sum of the proposed rear basement and ground floor extensions to the original building disproportionate?
7. There is no dispute between the appeal parties as to what constitutes the original building. I also deduce from the email thread between the Council and appellant, marked as appellant's Appendices 1 to 3, that both parties agree that the sum of the rear basement and ground floor extension would exceed the prescribed 25% limit in volume increase. The ground floor element alone would be roughly in line with the 25% figure, but the addition of the basement would result in an extension that was substantially greater in volume.
8. The appellant contends that substantial foundations and retaining walls would be needed in order to construct the ground floor extension and that the addition of the basement would simply make use of space that would be occupied by those works. Even if that was the case, it does not alter the fact that the combined volumetric increase of the basement and the ground floor addition would be well above the recommended 25% limit. In any event, judging from my observations on site and the submitted plans a significant amount of earth would need to be excavated in order to create the necessary head height at basement level. In other words, it would not simply fill in a void that would exist above natural ground level but would appear to require a downward expansion of the living space which would create additional volume over and above the scale of the original dwelling house.
9. Effectively, what was a two-storey dwelling would appear as a three-storey property and the extension would add to the overall depth of the dwelling and would add significant bulk, mass and scale. Consequently, having regard to the volumetric increase and the nature of the development, the extension would result in disproportionate addition over and above the size of the original building. Drawing all the above points together, I find that the development

constitutes inappropriate development, having regard to the terms of policy DM15 of the DMP, the RPG and the Framework.

Openness of Green Belt

10. The essential characteristics of Green Belts are their openness and their permanence. The rear basement and ground floor extension would be larger than the existing conservatory which is proposed to be removed and results in an overall increase in volume which would diminish openness. The proposed extensions would have a deeper plan form and would also be wider than the existing conservatory. In addition, the proposed ground floor extension would be taller than the components of the existing conservatory, in addition to the basement at lower level. The scale and mass of the proposed extensions would be significantly greater than the existing and this would unquestionably erode the openness of the Green Belt, even though it is unlikely to be visible from the public realm.
11. Openness is epitomised by the absence of buildings. I have already established that the proposed extensions would be significantly larger than the existing conservatory. Irrespective of what previously existed, the size of the property has significantly increased thereby reducing openness in this part of the Green Belt. The proposal would be a bulky addition. It would occupy space and cause spatial harm to the Green Belt because of its scale.
12. Although the harm to openness would be relatively limited in this case, any harm to the Green Belt is a matter that attracts substantial weight. I find the development has a materially harmful effect upon openness and conflicts with Policies CS NPPF, CS1, CS5, CS7 of the CS and policies DM01 and DM15 of the DMP which amongst other things seek to ensure that development in the Green Belt are compatible with their purposes and objectives and maintains their openness.

Character and appearance

13. The existing dwelling is a modest and attractive two storey cottage within a row of similar properties. The design has strong arts and crafts influence with the steeply pitched roof with projecting front gable and the combination of roughcast render and brickwork. There is a strong degree of symmetry with the attached dwelling, including the design of the matching rear dormers which add visual interest.
14. The RDG provides guidance on basement extensions and notes that any exposed basement should be subordinate to the property and respect its original design and proportions. Its length should not dominate a property or extend its full width¹. A recommended maximum depth of 3m is suggested. In this case, the depth would be slightly greater, and the basement would extend across the full width of the dwelling. When combined, the proposed rear basement and ground floor extension by virtue of its design, shape and size would have a dominant appearance and would present a significant difference in form and scale in contrast to the modest proportions of the existing dwelling. It would not be a subordinate addition in terms of scale.
15. Moreover, the proposal would effectively add a two storey structure with box like proportions that would contrast awkwardly with the design of the original

¹ Paragraphs 14.44 & 14.45

property with its interesting pitched roof and steeply pitched gable. Furthermore, the property would appear as a three-storey dwelling when viewed from the rear which would be at odds with predominating two-storey properties in the area. Whilst the proposal would not be prominent in the street scene, it would be visible from nearby dwellings, and would be likely to reduce the appreciation nearby occupiers have of the environment within which they live. In addition, the aims of the RDG, the relevant policies of the development plan and the Framework do not limit the need for good design to situations where proposals are visible from the public realm and the harm to the character of the host dwelling weighs against the grant of permission.

16. I find that the proposed rear basement and ground floor extension would have a detrimental effect on the character and appearance of the host dwelling and surrounding area. Accordingly, the scheme would conflict with Policies CS NPPF, CS1 of the CS and policies DM01 of the DMP which seek amongst other things to ensure that proposals should be based on an understanding of local characteristics and should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Other considerations

17. The following arguments are advanced in support of granting planning permission. The appellant states that a large part of the basement would have to be built to support the ground floor and it seemed illogical not to use the space. However, my observation on site visit is that the full basement would not need to be constructed in order to support the ground floor extension. A significant amount of excavation below natural ground level would be needed. This is also evident from the application drawings. Consequently, I am not satisfied that the visual impact and the impact on the openness of the Green Belt of a single storey extension would be comparable to the proposal before me in this instance.

Very Special Circumstances

18. The development constitutes inappropriate development in the Green Belt and would cause some harm to the openness of the Green Belt. The Framework identifies that substantial weight should be given to any harm to the Green Belt and that inappropriate development should not be permitted except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, are clearly outweighed by other considerations. The scheme would also have a negative effect on the character and appearance of the host dwelling and surrounding area and conflicts with local and national planning policies cited above.
19. On the other side, I attach little weight to the argument regarding the need to construct the basement for the reasons given above. There are no other considerations in support of the appeal, whether taken individually to cumulatively, which would on balance, clearly outweigh the conflict with planning policies designed to protect the Green Belt. There are no very special circumstances to justify the development.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR