



Appeal Decision

Site visit made on 17 December 2019

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2020

Appeal Ref: APP/N5090/D/19/3239253

30 Fitzjohn Avenue, Barnet EN5 2HW

- 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 Lorraine Evans against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 19/4188/HSE, dated 30 July 2019, was refused by notice dated 26 September 2019.
 - The development proposed is a part single, part two storey side extension and single storey rear extension, including 2no. skylights.
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Decision

1. The appeal is allowed and planning permission is granted for a part single, part two storey side extension and single storey rear extension, including 2no. skylights at 30 Fitzjohn Avenue, Barnet EN5 2HW in accordance with the terms of the application, Ref: 19/4188/HSE, dated 30 July 2019, subject to the following 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: 1430 ELA/1 Revision A; 1430 ELA/2 Revision A; 1430 ELA/3 Revision B; 1430 ELA/6 Revision B; 1430 ELA/13 Revision B; and 1430 ELA/16 Revision A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural matter

2. The planning application form described the proposed development as 'Double side and rear extension'. The description used on the decision notice issued by the Council more accurately sets out the development that is proposed, and I note that the appellant has adopted this on the appeal form. I have, therefore, also used this for the purposes of the appeal.
3. Whilst the declaration on the planning application form is dated 30 July 2018, the ownership certificate is dated 30 July 2019. Having regard to the date the application was registered, which is stated on the decision notice as 1 August 2019, and the dates of the previous planning applications set out in the

planning history section of the officer's report, that are all given as being decided in 2019, I have assumed that the date in the declaration is a typographical error. I also note that the appeal form states that the date of the application was 30 July 2019 and I have, therefore, taken this as the date of the application.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Taken together, Policies 7.4 and 7.6 of the London Plan 2016 (the London Plan), Policies CS1 and CS5 of the Barnet Core Strategy 2012 (Core Strategy), and Policy DM01 of the Barnet Development Management Policies Development Plan Document 2012 (DMDPD) seek to ensure that new development is of a high standard of design that has regard to its context and complements the local architectural character, taking account of the appearance, scale, mass, height and pattern of the surrounding buildings. Further guidance in respect of extensions to dwelling houses is set out in the Barnet Residential Design Guidance Supplementary Planning Document 2016 (the SPD), which is to be read alongside the more general design policies set out above.
6. The appeal building is one half of a pair of semi-detached houses located on a residential street primarily composed of semi-detached dwellings of various designs. The design of the appeal building is repeated several times elsewhere in the street. Although the individual designs vary, the similar heights and close spacing of the houses creates a strong rhythm within the street scene. The appeal building is unusual in the street in that it was provided with amenity space to the side and additionally there is a wide gap between the house and its neighbour at number 26. This property also has amenity space to the side that is used for car parking.
7. The appeal proposal consists of a two storey side extension to the house with a hipped roof and a single storey extension to the rear of the dwelling that is also contiguous with the ground floor of the side extension. The Council has stated that it has no objection to the ground floor rear extension and from what I have read, and the submitted drawings, I have no reason to disagree with this.
8. In respect of side extensions, the SPD sets out that side extensions should be no more than half the width of the original house; first floor side extensions should normally have a pitched roof and be set back by 1 metre from the main front wall of the original house, with the roof to the extension set down by at least 0.5 metres from the ridge of the main roof; and that there should normally be a minimum gap of 2 metres between the flank walls of adjacent properties at first floor level. It is not in dispute that the proposed extension meets all of these requirements with the exception of the first. The frontage of the original house is approximately 6.8 metres wide and the proposed side extension would be approximately 4.3 metres wide at both ground and first floor. It therefore exceeds half the width of the original house.
9. Due to the close spacing of the other buildings in the street, there are no other similar extensions to the appeal proposal, which would consequently be inconsistent with the prevailing built form of closely spaced, semi-detached,

houses with no significant alterations or additions to the main façades. In addition, the sizeable addition to one side would unbalance the symmetry of the pair of semi-detached houses which have a strong visual identity derived from the bay windows, projecting gables and downward swept secondary roofs on the front elevations. Due to the position of the appeal building on the outside edge of a bend in Fitzjohn Avenue and the wide gap between the appeal building and the adjacent property at number 26, the proposed extension would be particularly visible in views from the north east. The proposal would result in a built form that would be inconsistent with the predominant built form and which would appear incongruous in the existing street scene. As a result of its prominent location, the proposed development would be harmful to the character and appearance of the area and would not comply with the relevant requirements of Policies 7.4 and 7.6 of the London Plan, Core Strategy Policies CS1 and CS5 and Policy DM01 of the DMDPD.

10. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise.
11. My attention has been drawn to planning permission reference 19/2895/HSE that was granted by the Council in July 2019. This is described as 'Part single, part two storey side and single storey rear extensions', which is very similar to the description used for the appeal proposal. At the time of my site visit, works had commenced at the site that appeared to correspond to the details that I have of this earlier permission.
12. I do not have the full details of this previous permission or the circumstances that led to the Council accepting the proposal. However, from the details that I have, the principal difference between this and the appeal proposal is that the first floor element is set in from the side wall of the ground floor element by approximately 0.96 metres. Although this reduces the first floor element to just below half the width of the original house, the ground floor element is the same width as currently proposed and the approved scheme would still result in a new, large, section of roof being added.
13. In terms of the additional massing that would be added to the appeal building, from what I saw when I visited the site, the visual effect of the previously approved scheme would be essentially similar to that of the appeal proposal, irrespective of the slight differences in the design.
14. I therefore conclude that, whilst I have found that the proposed development would cause harm to the character and appearance of the area and would conflict with the relevant requirements of Policies 7.4 and 7.6 of the London Plan, Core Strategy Policies CS1 and CS5 and Policy DM01 of the DMDPD, a planning permission has previously been granted and can be legitimately implemented for a development that would have the same effect on the character and appearance of the area as the appeal proposal. This amounts to a material consideration that would indicate that planning permission can be granted for the appeal proposal, notwithstanding that it does not comply with the provisions of the development plan.

Conditions

15. I have had regard to the conditions that have been suggested by the Council. In order to provide certainty as to what has been granted planning permission, I have attached a condition specifying the approved drawings. In the interests of the appearance of the building and the surrounding area it is also necessary to impose a condition requiring that the approved development be constructed using materials that match the existing building.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR