



Appeal Decision

Site visit made on 6 July 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Alex Hutson MRTPI CMLI MArborA

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/N5090/D/20/3248707

34 Harman Drive, Cricklewood, London NW2 2ED

- 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 & Mrs Sterling against the decision of the Council of the London Borough of Barnet.
- The application Ref 19/6172/HSE, dated 18 November 2019, was refused by notice dated 22 January 2020.
- The proposed development is ground floor rear extension and associated internal alterations.

Decision

1. The appeal is allowed and planning permission is granted for ground floor rear extension and associated internal alterations at 34 Harman Drive, Cricklewood, London, NW2 2ED, in accordance with the terms of the application, Ref 19/6172/HSE, dated 18 November 2019, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. 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.
 3. The development hereby permitted shall be carried out in accordance with the approved plans except in respect of the rear balcony/terrace: 100, 101, EX100, EX101, EX102, EX103, EX104, EX105, EX106, PR01 Rev B, PR02 Rev A, PR03 Rev A, PR04 Rev A, PR05, PR06 Rev B and PR07.

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.

Procedural Matters

3. The Council refer to the drawings PR01 Rev A and PR06 Rev A within its decision notice. However, the appellants maintain that they submitted revised versions of these drawings (PR01 Rev B and PR06 Rev B) during the course of the application and these were the plans which were consulted upon. As the Council has not disputed this, I am satisfied that this was indeed the case and I have determined this appeal on this basis.
 4. I note that a rear balcony/terrace is shown on the existing and proposed plans. However, it is my understanding that the Council holds no planning records for
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the balcony/terrace and I am thus uncertain as to whether it benefits from planning permission. The balcony/terrace is not specified in the description of the proposed development and as such, it does not form part of the proposal and I have not considered it as part of the appeal. To prevent the formalisation of the balcony/terrace, should it not benefit from planning permission, I have included a clause in respect of it in Condition No 3 to address this. If the appellant wishes to clarify the planning status of the balcony/terrace, then this matter should be taken up with the Council.

Main Issues

5. The main issues are:

- i) the effect of the proposed development on the character and appearance of the site and the surrounding area; and
- ii) the effect of the proposed development upon the living conditions of the occupants of 33 Harman Drive, with particular regard to outlook.

Reasons for the Recommendation

Character and Appearance

- 6. The appeal site comprises a large, two-storey, semi-detached dwellinghouse on the northern side of Harman Drive, a residential street characterised by semi-detached dwellinghouses of similar scale and design. The appeal property features a two-storey gabled rear projection and has previously been subject to a single-storey rear infill extension.
- 7. From the plans, the proposed extension would be limited to a single-storey in height and would have a depth of around 3.5 metres (m) as measured from the rearmost wall of the two-storey rear projection. The western side of the proposed extension would adjoin the existing side infill extension and would slope away from the shared boundary with No 33. While the cumulative depth of the existing and proposed rear extensions would be around 7.4m, the proposal would not appear as a disproportionate addition given the large size of the host property. The Council's Residential Design Guidance Supplementary Planning Document 2016 (RDG) states that rear extensions should normally be limited to 3.5m in depth for semi-detached properties. However, given the relative size of the proposed extension to that of the host building, its siting within a large rear garden, and its discreet location away from any public views, I consider that the proposal would nonetheless be acceptable in terms of its effect on the character and appearance of the site and surrounding area.
- 8. Due to the height of the side boundary fence with No 33 and the trees and shrubbery which line both sides of it, any visual disparity between Nos 33 and 34 would not be readily apparent within private views and so the effect of the proposal in this respect would be acceptable.
- 9. For the above reasons, I conclude that the proposed development would have an acceptable effect on the character and appearance of the area. It would therefore comply with Policies CS1 and CS5 of Barnet's Core Strategy 2012 (Core Strategy), Policy DM01 of Barnet's Development Management Policies 2012 (DMP) and Policies 7.4 and 7.6 of the London Plan 2016, which require, amongst other things, development to be designed to a high standard and respect local character.

10. The proposal would also comply with the guidance of the RDG, which advises that rear extensions should not look too bulky and prominent compared to the size of the main building and garden to which they relate.

Living Conditions of Occupants of No 33

11. During my site visit, I had the benefit of viewing the appeal site from the rear garden of No 33. From No 33, the proposal would only be partially visible above the side boundary fence as it would slope away from the shared boundary at an angle of roughly 45 degrees from the position of the existing side infill extension. As the full depth of the proposal would be set back from the shared boundary by around 2m, it would not cause an unacceptable tunnelling effect for the occupants of this property when viewed from the rear-facing windows of the principal rear façade, or from the side-facing windows of the rear extension. Due to its siting, the proposal would have no impact upon the occupants' outlook from the rear-facing windows of the rear extension. Furthermore, due to the height of the existing boundary fence and the extent of the vegetation along the side boundary, the proposal would not appear especially prominent for the occupants of No 33 from within their home or rear garden. Whilst a post associated with the proposal would abut the shared boundary, it would be of limited thickness and would not be visually intrusive for the occupants of No 33.
12. For the above reasons, I conclude that the proposed development would have an acceptable effect on the living conditions of the occupants of No 33, with particular regard to outlook. It would therefore comply with Policies CS1 and CS5 of the Core Strategy and Policy DM01 of the DMP, which require, amongst other things, development to be designed to the highest standards of urban design, to create a quality environment and to avoid any demonstrably harmful effect on the living conditions of neighbouring occupants.
13. The proposal would also comply with the guidance of the RDG, which advises that rear extensions should not cause a significant sense of enclosure or loss of outlook for the occupants of neighbouring properties.

Other Matters

14. The occupants of No 33 raise a concern around the proposal and loss of light. However, the Council does not raise this matter as a particular concern and given that the proposal would be single storey and would slope away from the boundary with No 33, I am satisfied that it would not materially affect light levels for the occupants of this property, including in respect of both daylight and sunlight. My view on this is supported by a lighting assessment submitted by the appellant as part of the appeal. However, as I am uncertain as to whether the occupiers of No 33 have had sight of it, I have not relied upon it in reaching my decision.
15. The appeal property would remain in use as a single family dwellinghouse. Therefore, any noise generated upon implementation of the proposal would be comparable to the existing arrangement and so would not cause unacceptable harm to the living conditions of the occupants of No 33 in this regard.

Conditions

16. I have had regard to the conditions suggested by the Council and have amended some of these in the interest of clarity and precision having regard to

advice in the National Planning Policy Framework and Planning Practice Guidance.

17. In addition to the standard timescale condition, I agree a condition requiring that the scheme be built in accordance with the approved plans is necessary as this provides certainty. I also agree that a condition relating to materials is necessary in the interests of character and appearance.
18. The Council indicates in its delegated report that obscure glazing to the western elevation of the proposal would overcome issues concerning privacy. However, as views towards No 33 would be limited by the height of the side boundary fence and vegetation, I do not consider that such a condition would be necessary.
19. The occupants of No 33 have suggested that a condition relating to landscaping should be attached in order to soften the appearance of the proposed extension. As I have found that the proposal would not be particularly visible from No 33, I consider that such a condition would not be necessary.
20. The occupants of No 33 have suggested that a construction method statement should be secured by condition, along with limiting working hours. However, given the low scale of works that would be associated with the proposal, I do not consider that such conditions would be necessary or reasonable.

Conclusion and Recommendation

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

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Alex Hutson

INSPECTOR