



Appeal Decision

Site visit made on 25 August 2020

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 August 2020

Appeal Ref: APP/N5090/C/19/3235024

64 Stuart Avenue, London NW9 7AT

- 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 Micael Ghidei against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice was issued on 15 July 2019.
 - The breach of planning control as alleged in the notice is a side extension.
 - The requirements of the notice are 1. Demolish the side extension; and 2. Permanently remove all constituent materials resulting from the works in 1. from the property.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a side extension on land at 64 Stuart Avenue, London, subject to the following condition:

1. The side extension hereby permitted shall not at any time be occupied as a residential unit separate from occupation of the house to which it is attached.

Reasons

2. The main issue in the ground (a) appeal is the effect of the side extension on the character and appearance of the dwelling and the surrounding area.

3. 64 Stuart Avenue is a two-storey semi-detached dwelling on a corner plot. Semi-detached dwellings predominate in the surrounding area which has a consistent character despite the fact that virtually all dwellings have been extended or altered. The side, single storey, flat roofed, extension to the dwelling has an angled frontage that is in line with the frontage of the dwelling and then in line with the frontage of the neighbouring dwelling to the north-east.

4. The extension is set well back from the frontage of the dwelling to which it is attached. It is subservient in scale to the dwelling and has a simple and unassuming appearance. Dwellings in the area, given in particular the proliferation of side extensions of varying types, are set close together. In this regard the extended appeal dwelling is not uncharacteristic. The extension, furthermore, is similar to an extension to the other dwelling of the pair of dwellings. Taking all of

these factors into account the side extension does not adversely affect the character and appearance of the dwelling and the surrounding area. The extension does not conflict with policies DM01 and DM02 of the Council's Development Management Policies Development Plan Document and policies CS1 and CS5 of the Barnet Core Strategy, or with their Residential Design Guidance Supplementary Planning Document.

5. The side extension does not adversely affect the character and appearance of the dwelling and the surrounding area. The ground (a) appeal thus succeeds and planning permission has been granted for the erection of a side extension on land at 64 Stuart Avenue, London. The ground (f) and (g) appeals do not therefore need to be considered.

6. The Council has suggested two conditions, in the event that planning permission is granted, both of which are intended to prevent use of the extension as a separate residential unit. A condition requiring the removal of the door in the front elevation of the side extension is unnecessary but the suggested condition that requires the extension not to be used as a separate residential unit is necessary, though it has been amended in the interests of clarity and precision.

John Braithwaite

Inspector