

Appeal Decision

Site visit made on 2 September 2020 by S Witherley CIHCH MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/N5090/D/20/3250426

93 Shirehall Park, Hendon NW4 2QU

- 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 Ka and Mary Yim, against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/6617/HSE, dated 13 December 2019, was refused by notice dated 27 February 2020.
 - The development proposed as described on the application form is: First floor rear extension and internal re-modelling.
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Decision

1. The appeal is allowed, and planning permission is granted for a first-floor rear extension. Insertion of new side door at ground floor level and windows at first floor level. New railings to the rear of first floor. Creation of new side dormer window. Internal alterations to ground and first floor. Removal of existing fire escape at 93 Shirehall Park, Hendon, NW4 2QU in accordance with the terms of the application, Ref 19/6617/HSE, dated 13 December 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 development, hereby permitted, shall be carried out in accordance with the following approved plans: Drawing Numbers; P06 A - proposed elevations, P04 A - proposed floor plans sheet 1, P05 - proposed floor plans sheet 2, P07 - block plan Site Location Plan (submitted 16th December 2019).
 - 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.
 - 4) Prior to the first occupation and use of the terrace, hereby permitted, a privacy screen shall be installed to the side elevation of the first floor terrace facing the boundary with No. 95 Shirehall Park, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The screen shall be retained thereafter.

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.
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Preliminary Matter

3. The description of the development in the formal decision above has been taken from the Council's decision notice as that describes the development more accurately and is the description used in the appeal form.

Main Issues

4. The main issues are the effect of the proposal on 1) the character and appearance of the appeal property and the surrounding area and 2) the living conditions of the neighbouring occupier at No. 95 having regard to privacy.

Reasons for the Recommendation

Character and appearance

5. No. 93 is a large two storey detached dwelling set within a residential area comprising of properties of broadly the same age and style with some variations and adaptations. There is also evidence of some modern interventions.
6. The Council note that the property is a former care home and has been previously extended. This results in an end property which appears to have a larger than average footprint than many of the neighbouring properties within the street. To the rear of the appeal property is a relatively large garden which abuts the railway embankment. It sits adjacent to the River Brent with properties on the other side fronting Brentmead Place.
7. The proposal would see the rear of the appeal property extend out at first floor and the existing rear fire escape removed and replacement railings erected above an existing single storey extension to create a roof terrace. In addition, there would be a new door at ground floor level and windows inserted within the existing first floor flank wall along with a new dormer window in the roof plane overlooking the River Brent; the Council considered that these elements were acceptable and did not raise any concerns as to their impact on the character and appearance of the area, I have no reason to disagree.
8. The proposed first floor rear extension would extend out from an existing two storey extension and out over part of an existing ground floor extension. Its width would not exceed that of the existing two storey and ground floor elements. Its design and roof profile would match that of the existing first floor element and given its overall size and scale would not appear excessive or overly dominant, particular as it would not extend out across the full length of the ground floor structure. Moreover, as the width of the proposal would not extend beyond the width of the existing first floor and single storey extensions the existing proportions of the property would not be significantly altered.
9. The proposal would be overlooked from the rear of the properties located along Brentmead Place and would be viewed from oblique views from the street and from passing trains. I appreciate the Council's concerns that the proposal would be visible from these locations and that the proposal would add to the existing built form of the already extended property, particularly the flank wall. Nevertheless, given the overall design, scale and mass, the proposal would not appear overly excessive or visually dominant and would not materially change the overall character and appearance of No. 93 or the surrounding area.

10. As a result of the location of the proposed railings and roof terrace this element of the proposal is not visible from street view and only oblique views can be made from neighbouring rear gardens and from passing trains. The removal and replacement of the existing fire escape and horizontal railings with vertical railings of a similar height and material, along with the proposed use of the area, would result in a development that appears more domestic in nature which would provide a more residential character to the rear of this property. I find that their visual impact would be limited in the wider area and as such their inclusion would not result in any material harm to the character and appearance of the site and its surroundings.
11. I note that the Council state that the proposed first floor rear extension would not strictly accord with the guidelines set out within the adopted Supplementary Planning Document (2016) Local Plan Residential Design Guidance in relation to the depth of the proposed extension particularly as the property has already benefitted from previous rear extensions as a former care home. Nonetheless, whilst useful, these guidelines are just that and in the particular circumstances of this case the proposed development would be acceptable. Consequently, for the reasons set out above I conclude that the proposed development would not harm the character and appearance of the appeal property and the surrounding area and would be consistent with Policies DM01 of the Barnet's Local Plan Development Plan Policies (2012) (DPP) and Policies CS1 and CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS) which promote high quality design and which respects the local characteristics of an area.

Living Conditions

12. The Council are concerned that the proposed roof terrace and railings would affect the privacy of the occupants of the neighbouring property at No. 95. This element of the proposal would be located atop of an existing single storey flat roof extension which projects out into the rear garden of the appeal site. As a result it sits forward of the rear elevation of No. 95 and this combined with the existing side infill development would provide sufficient separation between the properties to ensure that the development would not have a detrimental impact on the privacy of the occupants of No. 95.
13. Moreover, during my site visit, I observed that it was necessary for me to be located nearest to the outer edge of the proposed terrace and to look out and over in order to view the rear elevation of the neighbouring property. I do not envisage that users of this external space would sit solely along the outer edge facing the rear elevation of No. 95 and are more likely to use the space more broadly and look out over the rear garden of the appeal site. Notwithstanding that, the rear garden of No. 95 would be overlooked by those occupying the proposed roof terrace and that would cause a loss of privacy, albeit to an area of the garden that is likely to be less intensively used. However, any adverse effect could be adequately mitigated through the erection of a privacy screen along the edge of the balcony and, subject to a condition to secure such a screen, I am satisfied that the effect on privacy arising from the use of the balcony would be within acceptable limits.
14. I therefore conclude that the living conditions of the occupants at No. 95 would not be materially affected by the proposal. As such the proposal accords with

Policy DM01 of the DPP which seeks proposals to be designed in a way that protects the outlook and privacy of adjoining and future occupants.

Conditions

- 15.I have imposed the standard time limit condition and have specified the approved plans as this provides certainty. A condition is necessary for the materials to match those that are used in the existing property to maintain the character and appearance of the area.
- 16.The Council suggested a condition to install a 1.7 metre screen along the side boundary of the roof terrace. This is considered reasonable to protect the living conditions of neighbouring occupiers. It has been reworded for clarity.
- 17.The Council also suggested a condition for the removal of the fire escape within 3 months from the commencement of works. Whilst it is not clear from the details submitted what the sequence of development would be, I do not consider the proposed phasing condition to be either necessary or reasonable in the interest of the character and appearance of the area.

Conclusion

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

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR