
Appeal Decision

Site visit made on 29 September 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2020

Appeal Ref: APP/N5090/W/20/3254570

109 Cumbrian Gardens, Cricklewood, London NW2 1EJ

- 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 Adekunle Daodu against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/1295/FUL, dated 9 March 2020, was refused by notice dated 27 May 2020.
 - The development proposed is construction of a 6m rear extension, loft conversion and construction of a rear dormer and conversion of the whole house into two flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has confirmed that the applicant name on the application form was incorrect, therefore, I have amended the banner heading to reflect the information provided by the appellant in the appeal form.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area; and
 - The effect of the proposed development on the living conditions of the occupiers of the neighbouring properties, with particular reference to light and outlook.

Reasons

Character and appearance

4. The appeal site is a 2 storey semi-detached single family dwelling located on Cumbrian Gardens. The surrounding area is predominately residential and is characterised by semi-detached properties. A large number of the properties in the area have been altered and extended in various ways. Despite the uniformity around the type of dwellings, there is variety in the style and design of the dwellings and the roofs along the road, and there are a number of properties in the locality which have roof extensions and alterations.

5. The proposal would convert the existing dwelling into 2 self-contained flats and would include a ground floor rear extension, a roof extension involving a hip to gable alteration, and a rear dormer.
6. The rear extension would extend approximately 6 metres beyond the original rear wall of the property. The Council's Residential Design Guidance Supplementary Planning Document (RDG) (2016) advises that extensions should not exceed 3.5 metres in depth for semi-detached houses. However, the appellant has highlighted that there are a number of extensions nearby which are 6 metres in depth. Whilst I note that these were approved through the Large Homes Extension process, it does highlight that an extension of this depth would not be an unusual or unique feature within the local context.
7. Furthermore, it would not be a readily visible part of the street scene and it would be constructed in materials to match the host dwelling. Whilst the depth would be greater than what is recommended within the RDG, it would not be out of place given the surrounding context of extensions and alterations that are present on dwellings in the area.
8. In terms of the proposed hip to gable roof extension, the Council's RDG suggests that development should recognise the scale, massing and roof form of surrounding buildings, with consideration given to roof pitches. It also advises that gable extensions should not unbalance a pair of semi-detached houses.
9. Whilst I acknowledge that the proposal would unbalance the pair of semi-detached dwellings, the appellant has referred to numerous examples of nearby properties that have altered the roof styles of the properties, which I also observed on my site visit, particularly the consecutive properties next to the host property. Given the number of existing alterations in the area which have a similar design to the proposal and form part of the local context and streetscape, the proposal would not appear out of character and would not be seen as an unusual feature. Therefore, it would not appear incongruous or out of place within the street scene.
10. Turning to the dormer roof extension, the RDG advises that dormer roofs should be sympathetic to the main roof of the house, and should be set in at least 1 metre from the party wall, flank wall or chimney stack. Whilst the dormer roof would only be setback a total of 0.62m from the eaves of the main roof slope, it would be in proportion with the host dwelling and the fenestration of the rear elevation. I also observed that dormer roofs were a relatively common feature on the rear elevations of the nearby properties, as such they are an established part of the surrounding context. Despite the minor difference in the recommended setback, the proposal would fit in with the character and appearance of the host property and other properties nearby, and would not appear incongruous or unsightly.
11. Accordingly, the proposed development would have an acceptable effect on the character and appearance of the site and surrounding area. Therefore, it would accord with Policies CS1 and CS5 of the Local Plan Core Strategy (CS) (2012) and Policy DM01 of the Development Management Policies DPD (DMP) (2012). These policies, amongst other things, require development to respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

12. In the Council's reason for refusal it also referenced Policy CS NPPF of the CS and the Sustainable Design and Construction SPD (SDC) (2016). However, these are not relevant to this main issue as it relates to the presumption in favour of sustainable development and aspects of space standards and standards that address accessibility, security, energy, noise and water conservation, rather than character and appearance.

Living Conditions

13. The proposed rear extension would extend approximately 6 metres beyond the rear of the neighbouring properties. The depth and massing of the proposal would harm the outlook currently experienced by the occupiers of the neighbouring properties, which is currently relatively open and spacious. The rear extension would be an overbearing feature when viewed from the neighbouring properties, particularly from the adjoining property and its respective garden area.
14. I note that the appellant states that he could erect a 2 metre high fence along the boundary and that the proposed development would only be 0.7 metres higher than this. However, the proposal would still be readily visible over a 2 metre high fence. Furthermore, due to the length of the proposal, and the adjoining property not having an extension, the proposal would create a dominant and oppressive feature, which would have an overbearing effect upon outlook from both the back garden and the rear facing habitable rooms of the adjoining properties.
15. Due to the orientation of the proposed rear extension, it would impact on the amount of light and sunlight received in the mornings for the adjoining property and the afternoon/ evenings for the other neighbouring property. The appellant has stated that the properties would still receive sunlight throughout the main part of the day. However, given the depth of the proposal, it would have a detrimental effect on the living conditions of the occupiers of the neighbouring properties through the loss of daylight/sunlight compared to what they currently experience and would reduce the amount of daylight and sunlight reaching the adjoining properties particularly the adjoining property.
16. The appellant has referred to the fallback position of being able to erect something similar through the Prior Approval for Larger Home Extensions process. However, this would still be subject to consultation with the occupiers of the neighbouring properties, and there is no Lawful Development Certificate before me. Furthermore, the proposal is for the conversion into flats, as such the proposal as submitted would not benefit from Prior Approval. Therefore, from the evidence before me, I do not consider that there is a greater than a theoretical possibility that the development might take place.
17. The appellant has highlighted that the owner of No 107 Cumbrian Gardens who objected to the proposal does not live at the property, and that the tenants who live at the property have not objected to the proposal. However, the lack of objection is a neutral consideration and it does not necessarily mean that there is no harm.
18. The proposed development would have a harmful effect on the living conditions of the occupiers of the neighbouring properties, with particular reference to light and outlook. Therefore, it would be contrary to Policies CS1 and CS5 of the CS, Policy DM01 of the DMP, Policies 7.4 and 7.6 of the London Plan (2016)

and the RDG. These policies and guidance, amongst other things, require development to represent high quality design and be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers

Other Matters

19. I note that the appellant considers that the site is underutilised and would yield multiple benefits by being converted into flats, such as providing a choice of affordable accommodation, of which there is high demand in the area. However, this would not overcome the harm that I have identified above.

Conclusion

20. Whilst the proposal would have an acceptable effect on the character and appearance of the site and surrounding area, it would harm the living conditions of the occupiers of the neighbouring properties. Therefore, for the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR