
Appeal Decision

Site visit made on 13 October 2020

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2020

Appeal Ref: APP/N5090/D/20/3252040

10 Brentfield Gardens, Cricklewood, London NW2 1JP

- 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 S Adler against the decision of Barnet London Borough Council.
 - The application Ref 20/1022/FUL, dated 24 February 2020, was refused by notice dated 21 April 2020.
 - The development proposed is for change of use of the property from a single family dwelling (Class C3) to a 5 bed House in Multiple Occupation (HMO) (Class C4) and single storey rear extension following removal of the existing shed.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of the property from a single family dwelling (Class C3) to a 5 bed House in Multiple Occupation (HMO) (Class C4) and single storey rear extension following removal of the existing shed at 10 Brentfield Gardens, Cricklewood, London NW2 1JP, in accordance with the terms of the application Ref 20/1022/FUL, dated 24 February 2020 subject to the following conditions:
 1. The development hereby permitted shall be carried out in full accordance with the following approved plans: BG.10.LP, BG.10.PR.01 Rev D, BG.10.PR.02 Rev D and BG.10.PR.03 Rev E.
 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 provision of the pitched roof along the north western elevation of the rear extension hereby permitted shall be implemented and completed within 3 months of the date of this decision.

Main Issues

2. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the living conditions of the occupants of 9 Brentfield Gardens, with specific reference to outlook and light.

Procedural Matters

3. The conversion of the dwelling into a HMO and the rear extension as identified within the 'As built' drawings submitted with the original planning application were substantially complete at the time of my visit.

4. Furthermore whilst, not accepted by the Council prior to the determination of the planning application, the appellant also submitted revised drawings which identify the creation of a pitched roof element along the north west elevation, for approximately the last half up to the rear of the extension. I note that no occupiers of 9 Brentfield Gardens raised an issue with regard to the proposal before me, and notwithstanding the fact that the Council chose not to accept the amended drawings they saw them prior to the submission of the appeal. I consider that my acceptance of these would cause no prejudice to interests of acknowledged importance and I've determined the appeal on this basis.

Reasons

Character and Appearance

5. The appeal site comprises a two and a half storey semi-detached house which has the benefit of planning permission for use as a five bed HMO, pursuant to planning reference 19/6635/RCU which was granted on 10 February 2020. Condition 2 of that permission stipulated that within two months of the date of the decision, an attached shed should be removed and the depth of the rear extension reduced to 3.5m. The shed has been removed, but not the extension and it is essentially the additional length to the extension which is the subject of this appeal.
6. Notwithstanding this I note that there are similar examples of other deep extensions in the locality, including next door at 11 Brentfield Gardens. Whilst the rear extension does not comply with the Council's Residential Design Guidance SPD (2016) its depth is still less than half that of the depth of the main range of the host dwelling. Further, by virtue of its flat roof design I consider that it appears subordinate in form, and notwithstanding the fact that it slopes upwards towards its rear, a reasonable amount of private amenity space would still remain within the appeal site.
7. In addition, due to the extension's location at the rear, the overall impact upon the character and appearance of the area would be slight and views of the two external doors on the flank elevation from the public highway would be oblique. I therefore find that the proposal does not materially conflict with policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document September 2012 (DMP), which requires, amongst other things, proposals to be based on an understanding of local characteristics and to respect the appearance, scale, mass, height and pattern of surrounding buildings spaces and streets.

Living Conditions

8. It is clear that the height of the extension is only marginally higher than the close boarded fence which is on the boundary of the rear garden between nos 9 and 10. Combined with the proposed pitched roof element, it would reduce the visual impact from the patio and raised garden area of the neighbouring dwelling further.
9. The appellant stipulates that due to the higher ground level the height of the extension on the boundary with no 9 towards its rear would be less than 1.7m and I've been given no reason to doubt this dimension. Consequently I consider that the proposal does not give rise to a significant sense of enclosure

to, or loss of outlook from the neighbouring property. Furthermore a loss of light has not been substantiated by the Council, although I accept that there would be some limited overshadowing possibly during morning hours. Overall, this would not be significant and therefore the living conditions of no 9 would be protected by the proposal. I consider that there is compliance with other elements of DMP policy DM01, in that the proposal would allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

Other Matters

10. I note the third party concerns, however a number of the points raised are not directly relevant to the appeal in hand. Concerns with regard to the issue of existing cars churning up verges and damaging pavements are acknowledged, however the principle of an HMO at the appeal site has not been called into question by the Council and therefore is not a determining factor in this appeal. Any breaches of planning control however would be a matter for the Council's Planning Enforcement team to investigate.

Conclusion and Conditions

11. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
12. As the development has begun it is not necessary to impose the standard time limit condition, although in the interests of the character and appearance of the area, as well as protecting the living conditions of the occupants of 9 Brentfield Gardens I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans; and that materials match the existing building. The section of pitched roof should also be installed within a reasonable amount of time so as to minimise the loss of outlook for the occupants of the neighbouring property, I have therefore imposed a compliance period of 3 months.

C J Tivey

INSPECTOR