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# Appeal Decision

Site visit made on 1 December 2020

**by L J O'Brien BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> December 2020.**

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**Appeal Ref: APP/N5090/D/20/3254287**

**31 Langford Crescent, Barnet EN4 9EG**

- 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 and Mrs Hamilton against the decision of the Council of the London Borough of Barnet.
  - The application Ref 20/1694/HSE, dated 30 March 2020, was refused by notice dated 4 June 2020.
  - The development proposed is two storey rear and side extension and new porch.
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## Decision

1. The appeal is allowed and planning permission is granted for part single, part two storey side and rear extension, single storey front extension to garage and new front porch at 31 Langford Crescent, Barnet EN4 9EG in accordance with the terms of the application, Ref 20/1694/HSE, dated 30 March 2020, subject to the conditions set out in the attached schedule.

## Preliminary Matter

2. During the course of the application the plans were amended. This occurred prior to the Council's decision. There is a discrepancy between the description of development on the application and appeal forms and that on the Council's decision notice. In the interests of clarity, and as it best describes the proposal before me, I have taken the description of development from the Council's decision notice which describes the development as part single, part two storey side and rear extension, single storey front extension to garage and new front porch. I have also determined the appeal on the basis of the revised plans.

## Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

## Reasons

4. The appeal property, 31 Langford Crescent, is a two storey semi-detached dwelling situated in a residential area. Langford Crescent slopes downwards and Nos 33 and 35 Langford Crescent, the neighbouring semi-detached pair, are sited at a lower level than No 31. Though some variety in respect of housing types exists, the area is largely characterised by semi-detached pairs of dwellings many of which have been extended at first-floor level.

5. The proposal is for a part single, part two storey side and rear extension and a single storey front extension to the garage along with a new front porch. The parties are in agreement with regards to the single storey elements of the proposal and, as such, I shall focus on the first-floor elements which appear to be the matters in dispute.
6. The main part of the first-floor extension would be flush with the front elevation of the host dwelling. However, it would be set down from the ridge and in from the boundary with No 33. Though the rear element of the first-floor extension, accommodating the master bedroom, would be closer to the boundary with No 33 than the front element, it would be set considerably further back from the front elevation of the host dwelling and would step further down from the ridge. In my view, despite the lack of a set-back, the proposed extension would appear as a sympathetic addition which would respect the proportions and scale of the host property.
7. Whilst the slope of the Crescent is such that No 31 sits at a slightly higher level than No 33, this is not to such a great extent that it would cause the proposed extensions at No 31 to dominate, or appear disproportionately large in the context of, the neighbouring dwelling which has itself been extended, albeit in a different manner.
8. The proposal would reduce the visual break between Nos 31 and 33. However, though some of the gaps between dwellings do remain, this element of the character of the area has been significantly eroded by the number of other, similar, first-floor extensions; thus the proposal would not appear incongruous within the street scene.
9. For the reasons set out above, the proposal would not cause harm to the character and appearance of the area. As such, the proposal would accord with Policy CS5 of Barnet's Local Plan (Core Strategy), September 2012 which requires development to respect local context creating places and buildings of high quality design. The proposal would also meet the aims of Policy DM01 of Barnet's Local Plan (Development Management Policies), September 2012 which, amongst other things, states that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
10. I acknowledge that elements of the proposal would not be consistent with guidance contained within the Supplementary Planning Document: Residential Design Guidance, October 2016 (SPG). The SPG advises that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable and also states that first-floor side extensions should normally be set back 1 metre from the front main wall of the existing house. However, the SPG is guidance and I consider that the proposal would not conflict with its aim of preventing bulky and dominant additions.

### **Other Matters**

11. I have had regard to concerns expressed regarding the potential for the proposal to adversely affect light levels at No 29 Langford Crescent. The proposed extensions would be sited approximately west of the property at No 29 and, as such, any effect on light would be limited. Furthermore, in my view, the depth of the rear extensions is such that they would not have a notably

detrimental impact on the levels of light reaching No 29 light. Moreover, any effect would be further limited by the nature of the conditions on site, including the slope and curve in the road. Therefore, I consider that the proposal would not cause harm to the living conditions of the occupiers of No 29 with particular regard to light.

### **Conditions**

12. In the interests of precision and clarity I have undertaken some minor editing and rationalisation of the conditions proposed by the Council. In addition to the standard commencement condition, one that requires the development to be undertaken in accordance with the approved plans is necessary in the interests of certainty. A condition which requires the external surfaces to match those of the existing building is necessary in order to ensure a satisfactory appearance to the proposed development.
13. In the interests of protecting the living conditions of neighbouring residents, I have imposed a condition requiring obscure glazing and windows less than 1.7 metres above floor level to be non-opening in the elevation which would face No 33 Langford Crescent. For the same reason, I have imposed a condition preventing the roofs of the extensions to be used as balconies or terraces.
14. The Town and Country Planning (General Permitted Development)(England) Order 2015 would ensure that any future upper-floor windows which would be located in a side elevation would be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). However, as any windows or doors in the side elevations of the proposed extension at ground floor level could, in themselves, cause harm to the living conditions of neighbouring residents, I consider it is justified in this instance to impose a planning condition which removes permitted development rights to install new windows on those elevations of the ground floor extensions which face neighbouring properties.

### **Conclusion**

15. I conclude that the appeal proposal is acceptable and would not cause harm to the character and appearance of the area. The appeal therefore succeeds.

*L J O'Brien*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2020-1384, 2020-1384/2 Rev 2.
- 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) The first-floor extensions hereby permitted shall not be occupied until the window at first floor level in the flank elevation facing No 33 Langford Crescent has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors other than those expressly authorised by this permission shall be constructed on the side elevations, facing No 29 and No 33 Langford Crescent, of the ground floor extensions hereby permitted.
- 6) The roofs of the extensions hereby permitted shall not be used as balconies, roof gardens or similar amenity areas.