



Appeal Decision

Site visit made on 3 November 2020

by Sarah Colebourne MA, MRTPI

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

Decision date: 12/01/2021

Appeal Ref: APP/N5090/D/20/3253913

50 New Way Road, Colindale, London, NW9 6PN

- 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 Kenny Shakelzen against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/4729/HSE, dated 27 August 2019, was refused by notice dated 18 March 2020.
 - The development proposed is described as a 'double storey side and single storey rear side extension'.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and a part single, part two storey side extension at 50 New Way Road, Colindale, London, NW9 6PN in accordance with the terms of the application, Ref 19/4729/HSE, dated 27 August 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: PL/VP/2978 – 00; PL1/VP/2978 - 01 C; PL1/VP/2978 - 02 B; PL1/VP/2978 - 03 C; PL1/VP/2978 - 04 C; PL1/VP/2978 - 05 C; PL1/VP/2978 - 06 C.
 - 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.

Procedural matter

2. The Council's decision describes the proposed development as a 'single storey rear extension. Part single, part two storey side extension'. It is clear from the submitted plans that this describes the proposal more accurately and this forms the basis for my decision.

Reasons

3. The main issue in this case is the effect of the proposed development on the character and appearance of the dwelling and the area.
4. The appeal property is located in a prominent corner position on a four-way junction of New Way Road and Woodfield Avenue. The surrounding area

- comprises mainly inter-war semi-detached dwellings which have a strong degree of symmetry in many cases. Those in corner locations are generally sited on wider plots with more generous gaps with their neighbours. These features contribute positively to the area's traditional, suburban character.
5. The appeal property comprises a semi-detached, inter-war dwelling, which like many in the area, has already had a number of extensions, either as permitted development or approved by the Council. These include a hip to gable main roof extension, a large rear flat roof dormer on the rear elevation and a two storey side extension with a small hipped roof. As the adjoining dwelling (41 Woodfield Avenue) retains its original hipped roof, the existing extensions have had the effect of introducing incongruous roof forms which have severely unbalanced the pair and destroyed its symmetry. Previous schemes for a two storey side extension were refused by the Council in 2006.
 6. I have noted that the Council has raised no objection to the proposed ground floor elements of this proposal and I would agree that those details as shown on the plans are acceptable, although it seemed to me at my visit that those parts under construction may not accord fully with the submitted plans.
 7. The Council's objections relate to the proposed two storey side extension. It places much weight on a previous appeal decision for the adjoining dwelling in which what it considers a similar and smaller extension was dismissed. However, I have noted that that appeal decision was taken nearly 17 years ago under a different policy context, before the permitted development change allowing hip to gable roofs was introduced and before the appeal dwelling in this case had been extended with the hip to gable extension. The circumstances of that appeal were therefore materially different and I give it only limited weight.
 8. The current proposed two storey side extension would be set back substantially from the front wall of the dwelling at first floor level (and further back than in the previous appeal decision at the adjoining dwelling), would be no more than half of the width of the original dwelling and would have a hipped roof with a lower ridge height. As such, it would be subordinate to the main part of the dwelling.
 9. The proposal would add increased bulk of a scale that, together with the existing extensions, would not normally be acceptable. However, the proposed hipped roof and obscuring of the small hip roof over the existing first floor side extension would be beneficial when seen from the streets to the front and side. It would distract from the overly dominant gable end and oversized dormer and would restore some balance to the pair of houses. The proposal would therefore improve the appearance of the dwelling and the street scene and would not result in significant harm to the character or appearance of the dwelling or the area.
 10. I have noted the objections from nearby residents in terms of overlooking, noise and parking congestion but agree with the Council that the proposal would be sited a satisfactory distance from neighbouring properties so as not to cause significant harm to the living conditions of those occupiers. The entrance to Colindale School is at the end of a cul-de-sac off the opposite side of the road from the appeal site and I have no reason to find that the proposed extension for one additional bedroom and additional living space would significantly worsen parking congestion in what is already a busy area.

11. I conclude then that the proposal would accord with the Council's development plan policies CS5 in its Core Strategy and DM01 in its Development Management Policies document which seek to protect and enhance the character and quality of the area. The policies referred to by the Council in the London Plan have similar objectives. Although referred to in its decision, the Council has not referred to its Residential Design Guidance SPD in its officer's report in regard to the first floor part of the proposal and in any case, the circumstances of this proposal outweigh any conflict with that document.
12. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition requiring matching external materials is necessary in the interests of the character and appearance of the dwelling and the area.
13. For these reasons, I conclude that the proposal should be allowed subject to the conditions in the formal decision.

Sarah Colebourne

Inspector