



Appeal Decision

Site visit made on 25 January 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2021.

Appeal Ref: APP/N5090/D/20/3262051

9 Mayfield Gardens, Hendon London NW4 2PY

- 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 Mrs R Winegarten against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/1037/HSE, dated 18 February 2020, was refused by notice dated 6 August 2020.
 - The development proposed is the erection of a part single part two storey side and rear extension, new front porch, double front bay extension, alterations to roof including 2 side dormer windows, rear dormer window and front and side facing rooflights and installation of air conditioning units.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a part single part two storey side and rear extension, new front porch, double front bay extension, alterations to roof including 2 side dormer windows, rear dormer window and front and side facing rooflights and installation of air conditioning units at 9 Mayfield Gardens, Hendon London NW4 2PY in accordance with the terms of the application, Ref 20/1037/HSE, dated 18 February 2020, subject to the following 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 approved plan listed in the attached schedule.
 - 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 amended the description of development and this has been confirmed in an e-mail provided by the appellant. The amended description has been used.

Main issue

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and the streetscene and (b) the living conditions of the occupiers of 11 Mayfield Gardens.

Reasons

Character and Appearance

4. The appeal property is a detached 2-storey dwelling located within a primarily residential area. The streetscene along Mayfield Gardens is characterised by detached dwellings set back from the road to the rear of front gardens which are landscaped and used for parking. Some of the dwellings are of a similar type and design as the appeal property. Some of these dwellings have been altered through extension to their roofs and side additions, including 13 Mayfield Gardens which is now a double fronted dwelling with bay windows either side of a centrally located porch. When viewed from the road there are generally gaps between the side elevations of the dwellings which vary in width.
5. The proposed development includes the erection of single and 2-storey side and rear extensions which would result in a double fronted property with bay windows either side of an entrance porch. The appellant identifies that the width of the property would increase by around 20% which is less than half the width of the host property.
6. By reason of being a similar design, No. 13 is referred to by the appellant to as a precedent for the proposed development. However, although the drawings have been provided, the full planning circumstances of this other scheme have not (Ref H/03363/09) and its determination pre-dates the current version of the Council's *Residential Design Guidance Supplementary Planning Document* (RDG). For these reasons, this appeal has been assessed on its own planning circumstances albeit this dwelling does contribute to the streetscene.
7. The form of the proposed roof would respect the predominance of hipped roofs of other dwellings. The proposed side dormers would be modest in scale rather than be visually dominant additions to the enlarged roof. The erection of a bay window extending from ground to first floor level with a hipped roof above would echo the design of similar front projections for other dwellings located along the road. The host property would retain the appearance of a 2-storey, hipped roof detached dwelling of a similar scale and design to other properties. Matching external materials could be secured by a condition to assist the assimilation of the appeal into the streetscene.
8. When viewed from the road, a gap would be retained between the proposed side extension and the flank wall of No. 11 and this would avoid the appearance of a terracing effect within the streetscene. This gap would not exist at ground floor level towards the rear of the property with the proposed single storey side elevation being sited closer to the shared boundary. However, the absence of a gap set well back from the enlarged property's front elevation would not be particularly noticeable from the road and would not materially alter the appearance of the streetscene.
9. Overall, although a larger dwelling with a double fronted design would result, the appeal scheme would not result in a visually obtrusive form of development which would be so conspicuous so as to cause unacceptable harm to the character and appearance of the streetscene. The overall scale of the side and rear extensions would not represent an overdevelopment of the curtilage of the property. The current front garden would be maintained and a spacious rear garden retained.

10. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would not conflict with Policies 7.4 and 7.6 of the London Plan (LP), Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (CS), Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document (DMP) and the current RDG. Amongst other matters, these policies and guidance require development to represent high quality design and to respect, complement and protect local character.

Living Conditions

11. To the rear, the first floor element of the proposed extension would have a depth of around 3 metres. The RDG refers to 2-storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth as not normally being considered acceptable. However, the proposed extension would be set back from the shared boundary with No. 11 by 2 metres. A single storey extension would be sited closer to the shared boundary but would have a depth of less than the 4 metres which is referred to as the maximum depth in the RDG.
12. Although there is a ground floor window to the rear of No. 11 adjacent to the shared boundary, the depths of the individual elements of the appeal scheme, together with the separation distance from the rear opening, would avoid unacceptable harm being caused to the occupiers of this neighbouring property by reason of loss of sunlight, daylight and outlook. Further, and for the same reasons, the proposed side and rear extension would not be an overbearing form of development.
13. The Council has referred to the potential impact of the proposed bay windows overshadowing the bay windows of No. 11. However, the proposed bay window is of limited depth and there would be an adequate separation distance between the bay windows to avoid concerns about loss of sunlight, daylight, outlook and privacy.
14. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 11 Mayfield Gardens and, as such, it would not conflict with DMP Policy DM01 and the RDG. Amongst other matters the policy and guidance refer to development maintaining adequate daylight, sunlight and outlook for adjoining occupiers. As part of this main issue, CS Policies CS1 and CS5 are not considered to be of direct relevance to living conditions matters.

Conditions

15. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the Framework and the Planning Practice Guidance. For reasons of certainty there is a need for the appeal scheme to be constructed in accordance with the submitted drawings. Further, as already identified a materials condition is necessary. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR

Schedule of Approved Plans

- U-J11643-LP001 - Location Plan
- U-J11643-EP001 - Existing Block Plan
- U-J11643-EP002 - Existing Ground Floor Plan
- U-J11643-EP003 - Existing First-Floor Plan
- U-J11643-EP005 - Existing Roof Plan
- U-J11643-ES001 - Existing Section
- U-J11643-EE001 - Existing North Elevation
- U-J11643-EE002 - Existing South Elevation
- U-J11643-EE003 - Existing West And East Elevation
- U-J11643-EV001 - Existing Front Visualisation
- U-J11643-EV002 - Existing Rear Visualisation
- U-J11643-PP001 - Proposed Ground Floor Plan
- U-J11643-PP002 - Proposed First Floor Plan
- U-J11643-PP003 - Proposed Loft Plan
- U-J11643-PP004 - Proposed Roof Plan
- U-J11643-PS001 - Proposed Section
- U-J11643-PE001 - Proposed South Elevation
- U-J11643-PE002 - Proposed North Elevation
- U-J11643-PE003 - Proposed East And West Elevation
- U-J11643-PV001 - Proposed Front Visualisation
- U-J11643-PV002 - Proposed Rear Visualisation

End