



Appeal Decision

Site visit made on 9 February 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2021

Appeal Ref: APP/N5090/D/20/3261036

21 Riverdene, Edgware HA8 9TA

- 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 Udenwa against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/2415/HSE, dated 29 May 2020, was refused by notice dated 14 August 2020.
 - The development proposed is described as a "single storey part rear extension to fill the gap of 500 mm x 6000 mm long space between approved two single storey rear extensions (Ref 20/2012/PNH)".
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 21 Riverdene, Edgware, HA8 9TA, in accordance with the terms of the application Ref 20/2415/HSE, dated 29 May 2020, 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: The 1:1250 red edged site location plan; Drawing No LR/0520/HPL5 (Block Plan); Drawing No LR/0520/HPL4 (Proposed Elevations) and Drawing No LR/0520/HPL3.
 - 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. Notwithstanding the description of development in the banner heading above, the Council's refusal notice and the appellant's appeal form describe the appeal proposal as a single storey rear extension. This more accurately and precisely describes the appeal proposal in so far that it relates to more than just the filling of a gap. I have therefore used the aforementioned description of development in the decision above and have considered the appeal accordingly.

Application for Costs

3. An application for costs was made by Mr Udenwa against the London Borough of Barnet. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and the area.

Reasons

5. As part of the appeal, I have been provided with a copy of the Council's 'prior approval not required' notice and associated drawings for two single storey rear extensions to the rear of the property¹. This notice, and hence development that can be lawfully constructed, is a matter to which I afford significant weight as part of the determination of this appeal. I have no reason to doubt that if this appeal were dismissed, there is a prospect that the alternative prior approval development would be built out.
6. The approved two rear extensions would respectively extend approximately 5.9 and 6.0 metres from the rear of the building, would have flat roofs and there would be a gap between them of about 0.54 metres. The appeal proposal would essentially include the same development, albeit with the gap enclosed and with the removal of one of the approved rear elevation doors.
7. In the context of the above prior approval development, dated 28 May 2020, the proposal would not constitute a significant change in respect of the scale, massing or design of the host property, or in terms of the effect on the character and appearance of the area. The proposed rear extension would not project any further outwards than the prior approval development or indeed the rear extension to the neighbouring semi-detached property at No 19 Riverdene. Furthermore, as the proposal would be to the rear of the property, it would not be conspicuous from public vantage points.
8. Overall, and taking into account the prior approval development as a fall-back position, I conclude that the proposal would not cause harm to the design of the existing property or the character and appearance of the area. I acknowledge that the extension would be quite large and that in that sense it could be considered to be disproportionate in scale to the original property. However, the resultant extension would not be significantly larger than the permitted development rear extensions.
9. In considering the above matter, I note that the Council's Adopted Residential Design Guidance SPD 2012 (SPD) states that "*the depth of a single storey rear extension, normally considered acceptable for terraced properties is 3 metres, for semi-detached properties it is 3.5 metres, and detached property is 4 metres*". The extension would exceed the SPD size threshold, but I would add that this policy does include the word 'normally' in terms of acceptable size thresholds.
10. Notwithstanding the above, when the proposal is considered against the approved prior approval development it would essentially relate to a relatively small infill proposal. In this context, I actually consider that the proposal would

¹ Application Reference No 20/2012/PNH dated 28 May 2020

represent a relative improvement in design terms. It would result in the provision of one homogenous extension, including the provision of one single rear door, as distinct from two separate permitted development rear extensions which would appear visually disconnected and contrived in design terms on the rear of the appeal building. In this case, and in view of the fall-back position, I consider that there is justification for departing from the 'normal' 3.5 metres depth threshold as outlined in the SPD.

11. I therefore conclude, taking into account the prior approval development fall-back position, that on balance the proposal would accord with the overall design requirements of policies CS1 and CS5 of Barnet's Core Strategy DPD 2012 and policy DM01 of Barnet's Local Plan (Development Management Policies) DPD 2012. In this context, the proposed development would appear as a proportionate and subordinate addition to the host property and would not cause harm to the character and appearance of the area. Whilst there may be some technical conflict with the Council's SPD in respect of the overall depth of the rear extension, this would be outweighed by the fact that the appellant could construct very similar development in respect of that approved as part of the prior approval application.

Planning Conditions

12. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect. In the interests of good design and the character and appearance of the area, it is necessary to include a materials condition.

Conclusion

13. For the reasons outlined above, I conclude that the appeal should be allowed.

D Hartley

INSPECTOR