
Appeal Decision

Site visit made on 10 February 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021.

Appeal Ref: APP/N5090/D/20/3262648
34 Hendon Avenue, Finchley, London N3 1UE

- 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 Dr K Sri-Ram against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/3328/HSE, dated 22 July 2020, was refused by notice dated 16 September 2020.
 - The development proposed is the erection of a double storey side extension, part double part single rear extension, and roof extension with two dormer at the rear roof.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a double storey side extension, part double part single rear extension, and roof extension with two dormer at the rear roof at 34 Hendon Avenue, Finchley, London N3 1UE in accordance with the terms of the application Ref 20/3328/HSE, dated 22 July 2020, subject to the conditions set out in the schedule to this decision.

Procedural matter

2. While the appellant has described the proposal as in the above heading, the Council has referred to it as a part single, part 2-storey side and rear extension and a roof extension involving 2 rear dormer windows together with front, side and rear roof lights. From my inspection of the plans, the Council's description more accurately reflects the development sought. I have assessed the proposal on that basis.

Main issues

3. The main issues are the effect of the proposed development firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of 32 and 36 Hendon Avenue with particular regard to visual impact and sense of enclosure.

Reasons

4. The appeal property is a detached 2-storey house in a mainly residential area, wherein buildings vary in scale, design and appearance. Consequently, there is variety to the existing built form in the local area to which the site belongs.
5. The main element of the appeal scheme is a part single storey, part 2-storey side and rear extension following demolition and removal of the garage. This

would leave the garage serving the adjacent property, 36 Hendon Avenue, as a freestanding building rather than part of an attached pair, which would not look out of place in the local street scene. Although significant in scale and bulk, the proposal would take advantage of the good-sized plot and a reasonable gap would be maintained with the properties on either side, which are Nos 32 and 36, with the new built form in place.

6. A welcome sense of balance, general symmetry and visual interest would be achieved in the new front façade with the main entrance porch placed centrally between broadly matching front projections on either side. It would have no effect on the mock Tudor finish of some properties along Hendon Avenue. A tall rectangular feature window would be introduced above the entrance porch, which would be a prominent aspect of the new front façade. This particular feature would set the finished dwelling apart from other properties along Hendon Avenue. Its vertical emphasis would contrast with the visually strong horizontal lines in the front elevation established by the pattern of fenestration and roof profile. Even so, no significant visual disharmony would result.
7. The proposed style of roof, with its crown section and hipped sides, would differ to the existing building and other properties in the area. Nevertheless, the completed house would continue to be set back from the road and the flat roof element would not be readily evident from the road at ground level. As such, the contrasting roof profile with other buildings would not draw the eye in the street scene nor would it be out of keeping with the variety in roof styles of properties close to No 34. These features, coupled with the consistent pattern of fenestration and use of external materials to match the existing dwelling would cause the appeal scheme to relate reasonably well to the host building. For these reasons, it would not be dominant or obtrusive in the street scene.
8. The proposed extension would be significant in depth and width although the inclusion of a single storey element, coupled with the proposed hipped roof form would visually 'break up' the scale and bulk of the proposed extended building when viewed from the sides and rear of the appeal property. As the length of the rear garden would not be significantly reduced, the proposal would maintain the spacious feel at the rear of No 34. The Council appears to raise no objection to the roof level extensions. I, too, find these elements of the appeal scheme acceptable given that the dormers and roof lights would be modest in scale and appropriate in design and general appearance.
9. Overall, the proposed extended house would sit comfortably within the plot. While the appeal scheme could not reasonably be described as a subordinate addition, it would not be overly large or disproportionate in scale and bulk. The size of the new 2-storey extension and its position to the site's boundary would be at odds with some of the advice in the Council's Supplementary Planning Document, *Residential Design Guidance* (SPD). However, the submitted design is distinctive and it seeks to transform the property rather than introduce a subservient addition. For the reasons given, the proposal is a positive response to the characteristics of both the appeal dwelling and the local area, which is an approach that the SPD explicitly supports. For these reasons, I find that a conflict with some aspects of the guidance in the SPD is insufficient reason in itself to withhold planning permission.
10. The appeal dwelling will have been significantly changed on all sides and at roof level. However, taken as a whole, the finished building would be of high

standard design that would be in keeping with the qualities and character of an individually designed detached house. To my mind, it would blend in among the varied built form that characterises the local area.

11. On the first main issue, I conclude that the proposed development would be in keeping with the character and appearance of the local area. As such, it would not conflict with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) (CS) or Policy DM01 of the Barnet's Local Plan (Development Management Policies) (DMP). These policies broadly seek to protect and enhance Barnet's character and require 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. There would be no conflict with Policies 7.4 and 7.6 of the London Plan (LP) that require proposals to have high quality design and to be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.

Living conditions

12. The proposal would add new built form at the front, side and back of the main house with the extended flank walls projecting well beyond the rear build lines of Nos 32 and 36. As a result, the upper part of the finished building and its enlarged roof would be evident from the back gardens of these adjacent dwellings and from some of their windows. From the rear facing windows of both neighbouring dwellings, only part of the new extension would be seen in oblique views with the main direction of outlook across their back gardens largely unaffected. From the rear outdoor space of Nos 32 and 36, the proposal would be seen against the backdrop of the substantive built form of the enlarged dwelling and filtered through the established boundary vegetation, which would partly screen and visually soften the new built form. Taken together, I consider that the presence of the new built form and the enlarged roof in particular, while clearly evident, would not be so great as to overbear on the occupiers of No 32 or No 36 nor unduly heighten a sense of enclosure.
13. On the second main issue, I conclude that the proposal would not materially reduce the living conditions of the occupiers of Nos 32 and 36. Accordingly, there is no conflict with LP Policy 7.6, CS Policies CS1 and CS5, DMP Policy DM01 or the Council's Supplementary Planning Document, *Sustainable Design and Construction* or its SPD, insofar as they aim to safeguard residential amenity. It would also accord with the National Planning Policy Framework, which states that planning decisions should ensure a high standard of amenity for existing and future users.

Other matters

14. As the backs of Nos 32, 34 and 36 broadly face northeast, and given the separation distance between the completed dwelling and the adjacent properties on either side, the loss of natural light due to the proposal would be modest in extent and duration. The loss of light to and disruption to the airflow around these neighbouring properties and their landscaped gardens would not be so great as to significantly harm living conditions.
15. The increased rearward projection and elevated position of the upper rear windows would allow a greater level of overlooking of the adjoining back gardens of Nos 32 and 36 than would be possible from the existing dwelling. However, in my experience, overlooking of this type is a common characteristic

of the relationship between dwellings that stand side-by-side within the built up area. To my mind, the additional overlooking possible would not have a significant impact on the privacy experienced by the occupiers of these adjoining properties or the reasonable enjoyment of their gardens.

16. The appellant has referred to a proposal to enlarge and alter No 36 that was recently granted planning permission on appeal with some details provided of the approved scheme. From the information provided, the permitted scheme at No 36 differs significantly to the proposal before me in design, scale and in its relationship to the host building. Consequently, there are very few direct parallels to be drawn between the two schemes. In any event, I have assessed the proposed development at No 34 on its own merits, as I am required to do, and find it to be acceptable for the reasons given.

Conditions

17. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building.
18. A condition is required to prevent the use of the flat roof of the rear extension being used as a terrace or balcony, as suggested, to safeguard the privacy of nearby occupiers. For the same reason, a condition is imposed requiring that no further window or other openings be introduced on the west and east elevations of the extension. The conditions reflect those suggested in the Officer's report, with amendments, where necessary, for clarity and precision.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of 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: Refs HA 101, HA 102, HA 103, HA 104, HA 105 and the Site Location Plan, which shows the site edged red.
- 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 roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of a further specific permission from the local planning authority.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings other than those expressly authorised by this permission shall be constructed on the west or east elevations of the building hereby permitted.