



Appeal Decision

Site visit made on 23 February 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/N5090/D/20/3263378

5 Lawrence Gardens, Mill Hill, London NW7 4JU

- 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 Faranak Ariamanesh against the decision of the Council of the London Borough of Barnet.
- The application Ref 20/3708/HSE, dated 10 August 2020, was refused by notice dated 7 October 2020.
- The development proposed is a part single, part two storey side and rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a part single, part two storey side and rear extension at 5 Lawrence Gardens, Mill Hill, London NW7 4JU, in accordance with the terms of the application, Ref 20/3708/HSE dated 10 August 2020, and the plans with it, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: 14-776-E01; 14-776-E02; PL01; PL02; PL03 and PL04.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The roof of the single storey rear extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
 - 5) Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no additional windows/doors or other openings, other than those expressly authorised by this permission, shall be inserted at any time in the side elevations of the proposed development hereby approved, facing No's 3 and 7 Lawrence Gardens.

Procedural Matter

2. The London Plan 2021 (LonP 2021) has been published by the Mayor during the course of this appeal. The LonP 2021 comprises the spatial development strategy for London and is now part of the development plan, to which I attribute full weight to its policies. Both main parties were given the

opportunity to comment on any implications for the appeal. Comments have only been received from the appellant. In this instance, I will not prejudice either party in taking the LonP 2021 or the comments received into account in the determination of this appeal.

Main Issue

3. The main issue of this appeal is the effect of the proposed development, particularly the 2-storey side and rear extension (the scheme), on the character and appearance of the appeal site and surrounding area.

Reasons

4. The appeal site comprises a detached house, which is located in a residential cul-de-sac. The predominant house types in the immediate locality of the site comprise detached and semi-detached houses. The host dwelling is of brick construction with a tiled gabled roof, where the gable is on the front elevation facing the road, forming a notable characteristic on the host dwelling. The host dwelling forms part of a small group of detached houses that are similar in design and on both sides of the road towards the junction with Lawrence Street. A further 2no. dwellings of similar design to the host dwelling are located at No's 11 and 13 Lawrence Gardens, on the same side of the street as the host dwelling.
5. The wider street scene consists of a mixture of house types, which are clearly visible when viewed from the street, with a large proportion being extended or altered externally. This forms a varied characteristic in the street scene. The scheme would have an approximate width of 4.663m, projecting into the rear garden, to the same depth as the element of the proposed development, comprising the single storey rear extension. The scheme would be set away from the shared side boundary with No 3 Lawrence Gardens, providing a side access.
6. My attention has been drawn towards the Council's Supplementary Planning Document: Residential Design Guide 2016 (SPD). I accept that the scheme would have a width, greater than half the width of the existing dwelling. However, the scheme would be set back from the front elevation by a notable distance, provide a side space to No 3 and have a lower ridge than the host dwelling. On balance, I consider that the scheme would be innovative particularly through its roof design, whilst still respecting the proportions of the host dwelling and reflecting its character. Furthermore, the scheme would not be a dominant feature, due to its overall subordinate appearance to the host dwelling. Thus, I find the scheme complies with the overall design objectives of the SPD.
7. For the reasons given above, I conclude that the proposed development would not have a significantly detrimental impact on the character and appearance of the appeal site and surrounding area. Consequently, it would accord with the design, character and appearance aims of Policy CS5 of the Council's Local Plan (Core Strategy) Development Plan Document 2012, Policy DM01 of the Council's Local Plan (Development Management Policies) Development Plan Document 2012 and the SPD.

Conditions

8. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 55 of the Framework and the Planning Practice Guidance (PPG).
9. I attach a condition specifying the approved plans, for certainty, and a condition to ensure that the facing materials would match those used in the existing building is necessary in the interests of the character and appearance of the host dwelling.
10. I consider that it is both reasonable and necessary to include a condition defining the use of the flat roof on the proposed single storey rear extension and removing to remove the ability to insert additional windows/doors or other openings in the side elevations of the proposed development in the interests of the living conditions of the occupiers of the adjacent dwellings.

Conclusion

11. Taking all matters into consideration, I conclude that the appeal should succeed.

W Johnson

INSPECTOR