



Appeal Decision

Site visit made on 9 December 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2021

Appeal Ref: APP/N5090/D/20/3257152

Studio House, Milesplit Hill, Mill Hill, London NW7 2RZ

- 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 M Sanders against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/1473/HSE, dated 18 March 2020, was refused by notice dated 13 May 2020.
 - The development proposed is side single storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would preserve or enhance the character or appearance of the Mill Hill Conservation Area (CA) and the effect of the proposed development on nearby trees.

Reasons

Character and appearance

3. The appeal property is a two-storey, end terrace dwelling with a pitched roof, located on the western side of Milesplit Hill. It forms part of a wider terrace of properties in a near identical and distinct style. There is some variance in the siting of these dwellings relative to the highway. The wider area incorporates dwellings in a range of styles and scales, some of which incorporate side extensions. The appeal site is also located within the Mill Hill CA. Based on the Mill Hill Conservation Area Character Appraisal Statement ('Character Appraisal') the significance of the CA is derived from its historical context and the quality architecture of its residential and non-residential buildings, which is complemented by its informal and formal open spaces and landscaping.
4. The appeal property is an example of modern domestic architecture and the Character Appraisal recognises the contribution of this to the Mill Hill CA. The Character Appraisal also acknowledges that trees and planting make a very important contribution to the character and appearance of the CA. This includes attractive linear views along the length of Milesplit Hill.
5. The proposed extension is to be located to the side of the appeal property, within a generous gap between built development. While this gap is not a common feature of the street scene, it does provide views of trees to the side

- and rear of the site. This, along with the planting to the front of this gap and the appeal property form part of the landscaped setting of the terrace block and contribute to the verdant character and appearance of the area.
6. Because of their distinct forms and appearance, the appeal property and the terrace block it forms a part of, along with their landscaped setting, positively contribute to the Mill Hill CA.
 7. The proposed extension would be appreciably recessed from the front elevation of the host property and located behind its landscaped frontage. These factors, along with its single-storey design would limit its scale and prominence. The pitched roof form of the extension and materials used in its construction would be consistent with the host property. Therefore, despite being slightly more than half the width of the host property, the proposed extension would be a subordinate and sympathetic addition to the host property and would not detract from the robust scale and distinct appearance of the wider terrace block. Moreover, in the context of the wider area, the proposed side extension would not be uncharacteristic.
 8. Due to its siting and modest scale, some space would be retained around the proposed extension, which would facilitate filtered views of nearby trees, from the highway. Although details of the existing landscaping are limited and no proposed landscaping is shown, these could be secured by a condition if the appeal were to succeed to ensure that the landscaped setting of the terrace block is not unacceptably affected. Because of its recessed siting, the proposed extension would not compromise views along Miles Pit Hill.
 9. For the above reasons, the proposed extension would not harm the character and appearance of the CA. I, therefore, find no conflict with the design aims of Policies CS1 and CS5 of the Local Plan: Core Strategy (2012) ('CS') and Policy DM01 of the Development Management Policies (2012) ('DMP'). Together, these require proposals to be of high quality that preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets. I also find no conflict with Policy DM06 of the DMP, this requires that all heritage assets are protected in line with their significance, and that all development has regard to the local historic context.

Trees

10. There are trees in proximity of the proposed location of the extension. In particular, a protected mature tree in the rear garden of the host property. Therefore, irrespective of the Council not identifying the need for a tree survey, the onus is on the appellant to clearly show that the proposed development will not harm these existing trees.
11. Other than identifying some existing trees on the submitted plans, I have insufficient details relating to these or any detailed assessment of the implications of the proposed extension on their root systems.
12. I have considered the possibility of securing any permission with a condition to ensure that the proposed development is supported by a Arboricultural Method Statement and constructed in a way to safeguard the tree. However, I do not consider it appropriate to secure the fundamentals of construction by condition without some reassurance beforehand that the proposal and methods proposed

for its construction would not harm the existing trees. In particular, given that these trees make an important contribution to the character and appearance of the CA.

13. Consequently, it has not been clearly shown that the proposed development would not harm existing trees. The proposal is therefore contrary to Policy DM01 of the DMP which along with other matters seeks to safeguard trees and Policy CS5 of the CS which amongst other things requires proposals to respect and enhance the distinctive natural landscapes of Barnet.

Conclusion

14. I have found that the proposed development would not harm the character or appearance of the CA. On the other hand, I have also found that it has not been clearly shown that the proposed development would not harm nearby trees. For this reason and overall conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR