



Appeal Decisions

Site visit made on 26 March 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th May 2021

Appeal A Ref: APP/N5090/D/20/3251384

49 Francklyn Gardens, Edgware HA8 8RU

- 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 Daniel Sandground against the decision of the Council of the London Borough of Barnet.
 - The application Ref. 20/0913/HSE dated 21 February 2020, was refused by notice dated 17 April 2020.
 - The development proposed is the conversion of the existing garage into habitable space; front porch extension; two-storey side and rear extension; single storey ground floor rear extension and hip to gable roof alteration with rear dormer extension.
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Appeal B Ref: APP/N5090/D/20/3264832

49 Francklyn Gardens, Edgware HA8 8RU

- 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 Daniel Sandground against the decision of the Council of the London Borough of Barnet.
 - The application, Ref. 20/3857/HSE, dated 21 August 2020, was refused by notice dated 19 November 2020.
 - The development proposed is a first floor side extension with hipped roof and hip to gable roof extension with dormer extension.
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Decisions

Appeal A Ref: APP/N5090/D/20/3251384

1. The appeal is dismissed.

Appeal B Ref: APP/N5090/D/20/3264832

2. The appeal is allowed and planning permission is granted for alterations and additions including a first floor side extension with hipped roof and a hip to gable roof extension with dormer extension at 49 Francklyn Gardens, Edgware in accordance with the terms of the application, Ref. 20/3857/HSE dated 21 August 2020 and subject to the conditions in the attached Schedule.

Procedural Matter

3. The application description in Appeal B is limited to extensions not previously applied for in this precise form or combination under other applications. However, the submitted plans show other alterations and additions that have already been approved. As the standard procedure is to grant permission in accordance with the submitted plans, I have altered the development description in my Decision to include 'Alterations and additions including

Main Issues

4. The main issue in both appeals is the effect of the proposal on the character and appearance of No. 49 the host property; Nos. 49 & 47 as a pair, and the street scene of Francklyn Gardens. There is an additional main issue in Appeal A as to the effect of the single storey rear extension on the living conditions for the occupiers of No. 37 in terms of outlook.

Background

5. The appeal property is a semi-detached dwelling that has already been altered in the form of a side two-storey extension and an attached garage. Whilst this has noticeably altered the appearance of the house, the symmetry and balance with No. 47 as the other half of the original handed pair remains largely intact. The appeal schemes now propose larger and more varied additions to increase the living space of the house.
6. The Council's Residential Design Guide SPD 2016 ('the Design Guide') sets out the constraints and limitations for extensions to dwellings and the Planning Officer's report has evaluated each element of the appeal schemes against the relevant guidelines. The underlying principles of the guidance are that extensions should firstly respect the host building with their subordination rather than dominance, and secondly should be broadly consistent with the form, scale and architectural style of the original building.

Reasons

7. **Turning firstly to Appeal A**, the appeal proposal includes a front extension which in my view would have a width and depth that in combination with its proximity to the front bay would compromise the architectural integrity and pleasing appearance of the front elevation. The proposed part single, part two storey side and rear additions, when read together with the proposed hip to gable roof addition and dormer extension would significantly enlarge the house and change its appearance and affect the balance and symmetry as one half of the pair with No. 47.
8. There would therefore be a harmful effect on the host dwelling, Nos. 49 & 47 as a pair, and this part of the Francklyn Gardens street scene. As regards the effect of the extensions at the rear of the house, these cannot be seen from the public realm. However, they would be inconsistent with the requirement under the Design Guide to be in sympathy with the 'form, scale and architectural style of the original building.'
9. Turning to the second issue, the rear ground floor extension would be on the boundary with No. 47. With that property's living room bay window in such close proximity and the extension's proposed depth of 4m, I consider that there

would be an unacceptable loss of outlook and an undue degree of enclosure for the neighbours.

10. Leaving Appeal A temporarily aside and turning to Appeal B, this was submitted shortly after the Council's approval of application ref. 20/2693/HSE on 13 August 2020. The appeal scheme incorporates three elements approved under that application. These are a more modestly sized front extension; a side / rear two storey extension (amended with a hipped roof), and a reduced length single storey rear extension now in accordance with the Council's Design Guide.
11. In addition, the proposal in Appeal B includes a hip to gable roof extension and a dormer extension to create two bedrooms in the existing loft space. However, the appellant says that about half of this area has been approved under permitted development through an application for a Lawful Development Certificate (reference 20/2690/192). This leaves a further dormer extension combined with the hip to gable addition as the scope of the proposal not already approved by the Council under previous applications.
12. This addition would add further bulk to the roof, whilst the change in roof profile from hip to gable would depart further from that of No. 47, thereby reducing the symmetry and balance of the pair. There would therefore be harm caused in terms of the first main issue referred to in paragraph 3 above.
13. **My findings in respect of both Appeals A and B** are firstly that both application proposals would be in harmful conflict with Policies CS1 & CS5 of the Barnet Core Strategy DPD 2012; Policy DM01 of the Barnet Development Management Policies DPD 2012; the Design Guide, and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019 ('the Framework').
14. However, there are two other significant considerations that are material to my Decisions, both raised in the grounds of the appeals. Firstly, extensions to other houses in Francklyn Gardens have significantly altered their appearance and that of the street scene. Secondly, Appeal B in particular refers to the medical condition of one of the family's four young children, which it is said would be considerably improved by the living space proposed in the applications.
15. On the first point, I saw on my visit that the extensions to other houses include those in close proximity to No. 49 at Nos. 39, 41, 43 & 45 where extensions do not appear to reflect the Design Guide. But perhaps the most striking example is at No. 33, where in addition to large scale and varied extensions the original facing brick of the property has been covered with a white painted render.
16. The alterations and additions to these properties have significantly altered the original rhythm of the street scene to one of much greater inconsistency in dwelling size and design. This means that the works now proposed for No. 49 in both appeals are more acceptable as regards the effect on the character and appearance of the dwellings and the street scene. There is also an important issue of equity and parity for the appellants in their engagement with the planning system, especially having regard to those cases where extensions in the neighbourhood include approvals by the Council as opposed to permitted development.

17. On the second point, the grounds of appeal in Appeal B set out the aforementioned family circumstances with evidence from the relevant sources within the NHS that I consider to be compelling. Personal circumstances only rarely carry sufficient weight to affect a planning decision because permissions run with the land rather than with the applicants. However, I consider this appeal to be a case where this weight is enough to alter the planning balance. I also note that seven neighbours, including at No. 47, have responded to consultation on the application with their support for the scheme in Appeal B. Furthermore, flexibility in decision-making in this case is consistent with the thrust of Government policy in paragraph 61 of the Framework for dwellings to meet a wide spectrum of housing need.
18. Applying the two significant material considerations to Appeals A and B as appropriate, both proposals would result in a similar form and extent of accommodation. However, for the reasons explained, the front extension in Appeal A would have a greater adverse effect than its more modestly sized alternative in Appeal B. Similarly, the harmful effect of the ground floor rear extension on the living conditions as regards outlook for the occupiers of No. 47 would be greater in Appeal A than that from the reduced depth in Appeal B.
19. Accordingly, Appeal B would be less in conflict with the Council's policies & Design Guide and the Framework than Appeal A, as recognised by the Council in its earlier approval of the single storey front and rear extensions under application ref. 20/2693/HSE. On a practical point, Appeal B is also a reasonable fallback position for the appellant's special family needs.
20. I shall therefore dismiss Appeal A and allow Appeal B. For the avoidance of doubt and pursuant to the procedural matter in paragraph 3 above, permission is granted for the whole of the development as drawn on the approved plans and should be implemented in accordance with condition 2) of the attached Schedule.

Other Matter

21. An objection was received in respect of the impact of the two storey side / rear extension in terms of outlook, light and privacy. However, this was not included in the Notice of Refusal and I am satisfied that the position of this extension would not be such as to have this effect, provided that on the privacy issue the bathroom window is obscure glazed.

Conditions (Appeal B)

22. In allowing Appeal B, I shall impose conditions. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning.
A condition requiring matching external materials will safeguard visual amenity, whilst a condition precluding new door or window openings in the first floor of the side elevations will protect the privacy of the neighbours at Nos. 47 & 51.

Martin Andrews

INSPECTOR

Appeal B conditions overleaf

Schedule of Conditions (Appeal B)

- (1) The development shall begin not later than three years from the date of this Decision;
- (2) The development shall be carried out in accordance with the following approved plans: Drawing Nos. FRYN1-CBLS-00-ZZ-DR-A-0010; FRYN1-CBLS-00-ZZ-DR-A-0001; FRYN1-CBLS-00-ZZ-DR-A-3004; FRYN1-CBLS-00-ZZ-DR-A-3002; FRYN1-CBLS-00-ZZ-DR-A-3001; FRYN1-CBLS-00-ZZ-DR-A-3602; FRYN1-CBLS-00-ZZ-DR-A-3003; FRYN1-CBLS-00-ZZ-DR-A-3601; FRYN1-CBLS-00-ZZ-DR-A-3603; FRYN1-CBLS-00-ZZ-DR-A-3604;
- (3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building;
- (4) 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 windows or doors shall be installed at any time above ground floor level in the side elevations of the extensions hereby approved and facing Nos 47 and 51 Francklyn Gardens;
- (5) Prior to the first use of the bathroom in the side extension facing No. 51 Francklyn Gardens, the window shall be fitted with opaque glazing and with partially restricted opening in accordance with details first approved in writing by the Local Planning Authority and thereafter maintained in that condition.