

Appeal Decision

Site visit made on 11 May 2021

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2021

Appeal Ref: APP/N5090/D/20/3264341

78 Buckingham Avenue, Whetstone, London, N20 9DH

- 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 Clement Popa against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/4373/HSE, dated 18 September 2020, was refused by notice dated 16 November 2020.
 - The development proposed is a two storey side and rear extension, loft conversion involving 1 x side dormer to facilitate staircase, 1 x rear dormer window, and rooflights to front, side and rear.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side and rear extension, loft conversion involving 1 x side dormer to facilitate staircase, 1 x rear dormer window, and rooflights to front, side and rear at 78 Buckingham Avenue, Whetstone, London, N20 9DH in accordance with the terms of the application, Ref 20/4373/HSE, dated 18 September 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: Site Plan, Block Plan, BA_001A, BA_002A, BA_003A, BA_004A, BA_005B, BA_006A, BA_007B, BA_008B.
 - 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 extension hereby permitted shall not be occupied until the flank windows at first floor and above have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and limited opening shall be retained thereafter.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed extensions on the character and appearance of the host dwelling and the street scene of
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Buckingham Avenue; and secondly, the effect of the proposed extensions on the living conditions of occupiers of 76 and 80 Buckingham Avenue with respect to visual intrusion, outlook and privacy.

Procedural matter

3. Two of the submitted plans, ref BA_001A and BA_002A refer to 79 Buckingham Avenue. I am satisfied from the evidence that this is a typographical error and that the plans do relate to the appeal property, 78 Buckingham Avenue.

Reasons

4. The appeal dwelling is a traditional two storey detached house with a two storey front bay and a roof which appears as a pyramid from the street but has a short ridge running at right angles to the front elevation. It had a single storey garage to the side which had been recently demolished at the time of my site visit. It sits well back from the street on a generous plot.
5. The house is set close to a corner within a row of mostly semi-detached dwellings of a similar age and style. There are a number of detached dwellings similar to the appeal property nearby, on the opposite side of Temple Avenue. The land slopes from west to east with 76 Buckingham Avenue being on higher and No 80 on lower land than the appeal dwelling. The overall character is one of a well-established, spacious, suburban street.
6. The Council is concerned that the side and rear extensions would not be set down from the existing ridge height and the side extension would be flush with the existing front elevation. However, whilst the Council's Supplementary Planning Document – Residential Design Guide (RDG), 2016, states that the height of an extension should normally be lower than the original building I consider that in this case the proposed side extension, including the roof, would blend seamlessly with the existing dwelling, resulting in a form that harmonised with the scale and form of the original dwelling and with that of nearby dwellings. The side extension would be less than half the width of the existing dwelling which would ensure it was subservient and although the roof would end in a small crown which would appear as a horizontal ridge from the street, this would be similar to the roof form at neighbouring dwellings and in keeping with both the host dwelling and the wider area.
7. The rear extension would have a depth of some 3.5m which would be proportionate both in terms of the existing dwelling and the plot. Although two storey across its full width, even at its closest point it would not be materially closer to either side boundary than the existing dwelling and garage. The Council suggests that a much greater distance should be achieved in order to preserve the original footprint which is stepped at the rear behind the garage. However, I am satisfied that, notwithstanding its width and height, the combined rear and side extensions would not appear unduly cramped on the plot. Moreover, through its symmetry above first floor and well-proportioned windows, including the dormer window at roof level, the rear extension would, in my view, improve the appearance of the rear elevation.
8. The Council raises concern regarding a side dormer which would be set towards the front elevation. This concern derives from its conflict with the hip of the roof. However, the apparent conflict is an illusion brought about by the scale

and two-dimensional nature of the elevation plan. The roof plan, ref BA_004A, shows clearly that there would be no conflict.

9. Turning to the proposed single storey porch, this would be some 1.5m in depth and would protrude further forward than the two storey bay. There would be a clear separation between the porch and the bay which would in consequence retain its prominence and importance. I saw a number of porches with a similar forward projection in the vicinity and where they did not interfere with the feature bay they did not detract materially from the character or appearance of the host dwellings or the street scene. This would likewise be the case at the appeal site. I therefore find that the proposed porch would be a proportionate addition and not out of keeping with the host dwelling or the street scene.
10. It is concluded on the first main issue that the proposed extensions would have no materially detrimental effect on the character or appearance of the host dwelling or the street scene of Buckingham Avenue. In consequence, the proposed extensions would comply with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) (CS), 2012, Policy DM01 of Barnet's Local Plan (Development Management Policies) (DMP), 2012 and Policy D3 of the London Plan (LP), March 2021, which has superceded Policies 7.4 and 7.6 of the London Plan, 2016. It would also meet the broad objectives of the RDG. Taken together, these policies and guidance, together with the National Planning Policy Framework (NPPF), expect new development to create an attractive, high quality environment that responds positively to, preserves or enhances local context and distinctive local character and respects the layout, scale, mass and design of surrounding buildings spaces and streets through good architecture that pays attention to detail.
11. Turning to the living conditions of neighbouring occupiers, both Nos 76 and 80 have single storey rear extensions. The proposed two storey extension would project beyond both of these. However, the limited degree of projection and the separation distance between the windows in Nos 76 and 80 and the extension would ensure that although it would be seen, it would not be materially intrusive or overbearing. The proposed extension would project a significant distance beyond the first floor rear elevations of both No 76 and No 80. Nevertheless, the separation distance would be greater, and the evidence indicates that the closest first floor windows in each property serve bathrooms. Although the proposed extension would be visible from other windows which serve bedrooms these would be sufficiently far from the appeal dwelling to ensure that there was no material loss of outlook or an overbearing effect.
12. In terms of privacy, an original side door at No 76 has been replaced by a single storey side extension with rear door. Ground floor side windows at the appeal dwelling would therefore be unlikely to result in overlooking or loss of privacy due to the lack of ground floor side openings in the neighbouring dwellings.
13. Both No 76 and No 80 have side facing first floor windows which appear to serve bathrooms and staircases. Proposed first floor windows in the side elevations at the appeal dwelling would also serve bathrooms and staircases, including the loft stairs. The Council suggests that first floor facing windows should be obscure glazed. I agree that this would prevent any actual or perceived overlooking or loss of privacy, particularly as a result of the large

stair window proposed in the flank wall facing No 76. This can be secured through a planning condition.

14. It is concluded on the second main issue that the proposed extensions would have no materially harmful effect on the living conditions of occupiers of 76 or 80 Buckingham Avenue with respect to visual intrusion, outlook or privacy. In consequence, there would be no conflict with CS Policies CS1 and CS5, DMP Policy DM01, the NPPF or the Council's RDG which, taken together, expect new development to create places with a high standard of amenity for existing and future users by ensuring that, amongst other things, proposals are designed to allow for adequate privacy and outlook for adjoining and potential occupiers.
15. In addition to the statutory commencement condition and a condition requiring obscure glazing of windows in the side elevations, the Council suggests two other conditions. I agree that for the avoidance of doubt the development should be carried out in accordance with the approved plans and also that in order to protect the character and appearance of the host building and the surrounding area external materials should match those used in the existing building. I shall impose conditions to control all of these matters.
16. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR