



Appeal Decision

Site visit made on 17 June 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2021

Appeal Ref: APP/N5090/D/21/3270097

1 Nursery Road, East Finchley, London N2 9RA

- 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 Mohamed Soudan against the decision of the Council of the London Borough of Barnet.
 - The application Ref, 20/5201/HSE dated 28 August 2020, was refused by notice dated 26 January 2021.
 - The development proposed is described as the erection of a front extension on ground floor with disability access, back balcony 1st & 2nd floor, completion of loft on back extension, internal changes to bathrooms to be disabled bathrooms and change the kitchen in ground floor to be clinic room to be dialysis clinic. Build a spiral steel stair case on the back yard to balconies.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the comments of the appellant have been noted, the name of the applicant at the planning application stage has been referred to in the heading to this appeal decision.
3. Since the appeal application was determined the new London Plan has been adopted and previous Policies 3.5, 7.4 and 7.6 are no longer part of the development plan. The Council has provided Policies D3, D4 and D6 from the new London Plan but these do not appear to be directly comparable to the former policies because they relate to larger scale development, including residential schemes.

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and surrounding area and (b) the living conditions of the occupiers of 2 Nursery Road.

Reasons

Character and Appearance

5. The appeal property is a 3-storey end of terrace dwelling situated within a residential development comprising similarly designed terraced dwellings together with purpose built flats. The property and part of the terrace are at a

higher ground level than the road and this increases their prominence within the streetscene. The surrounding residential buildings are of a contemporary design and generally possess brick walls. There are external purpose built balconies associated with the flats which provide amenity areas for their occupiers. To access the flats there are some external concrete staircases which are enclosed by brick walls.

6. The proposed development includes the erection of an external metal structure which would have a staircase accessing balconies at first and second floor levels to the rear of the property. *Barnet's Residential Design Guide Supplementary Planning Document* (RDG) does not include guidance concerning the erection of this specific type of development. However, there is general guidance that extensions should reflect the design of the original building and have regard to the character of the area.
7. By reason of scale, design and materials, the proposed metal structure would be an incongruous and visually dominant addition to the rear elevation of the property. Further, and for the same reasons, it would not reflect the prevailing character and appearance of the surrounding residential properties. This element of the appeal scheme would not represent high quality design and would be visible from Nursery Road and the gardens of neighbouring properties.
8. Although there are metal railings enclosing some of the balconies for the flats, they are an integral part of the design of these buildings rather than being later additions. The metal railings enclosing the property's current modest sized balconies share some of the characteristics of other balconies. However, these characteristics would not be shared by the proposed external metal structure.
9. The appeal scheme also includes an extension to the existing roof addition and a single storey front extension. The evidence indicates that the current roof addition was erected pursuant to a Certificate of Lawful Development (Ref C15926B/05). The proposed alteration to the roof would change a current modest addition into a materially larger extension. The Council has not objected to the enlargement of the current roof addition. However, the resulting extension, when assessed together with the proposed external metal structure, would have the appearance of a third storey which would be visually detrimental to the cohesive design and character of the terrace.
10. The RDG refers to large, front extensions not normally being permitted because of their effect on the streetscene and character of the area. However, there is also guidance about circumstances where front extensions might be acceptable. There is an irregular building line associated with the terrace and the property's front elevation is also set back behind that of 2 Nursery Road. The design of the proposed extension, including the mono-pitch roof form, would reflect the host property and a condition could be imposed requiring the use of matching external materials.
11. However, although it is noted that planning permission was granted for a smaller addition (Ref C15926C/07), the proposed changes to the fenestration for the front elevation would introduce additional openings at ground, first and second floor levels. The proposed changes to the fenestration would disrupt the consistency of the design, character and appearance of the terrace within the streetscene. The appellant has suggested that 1 of the front doors could be removed but it is unclear which door would be lost and whether there might

be implications for access by less able occupiers. The implication of such a change has also not been assessed by the Council. For these reasons this suggested amendment to the appeal scheme has not been taken into account.

12. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would conflict with Policy CS5 of the Barnet Local Plan (Core Strategy) (LP), Policy DM01 of the Barnet Local Plan Development Management Policies Development Plan Document (DPD) and the RDG. Amongst other matters, these policies refer to all developments representing high quality design.

Living Conditions

13. The staggered siting of the terrace with the appeal property being sited further rearwards than 2 Nursery Road means that there is limited overlooking of the rear elevation and garden of this neighbouring dwelling, including from the existing modest sized balcony at roof level. *Barnet's Sustainable Design and Construction Supplementary Planning Document* (SPD) refers to the privacy of existing and future development being protected, including rear elevations and gardens not being significantly overlooked. This guidance is echoed in the RDG. The erection of the proposed metal balconies would provide the opportunity for an material increase in the overlooking of the rear elevation and garden of No. 2 together with the private amenity spaces of other dwellings within the terrace.
14. It would be possible to erect privacy screens to limit overlooking from the proposed balconies. However, no details have been provided of what could be erected. Rather than relying upon a condition to secure their erection, I am concerned that any privacy screens could be significant in size and that their visual impact would need to be assessed as part of the proposed development. The absence of objections from the current occupiers of the neighbouring properties does not outweigh this lack of detail about potential screens.
15. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 2 Nursery Road and, as such, it would conflict with LP Policy CS5, DPD Policy DM01, the RDG and the SPD. In addition to securing high quality design, these policies refer to developments being designed to allow for adequate privacy for adjoining occupiers and users.

Other Matters

16. The appellant has provided information concerning the personal circumstances of an occupier of the property. Although some elements of the proposed development would appear to address these circumstances, when the appeal scheme is assessed as a whole these personal circumstances are not judged to be sufficient to outweigh the unacceptable harm which has been identified. Accordingly, and for the reasons given, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR