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# Appeal Decision

Site Visit made on 20 July 2021

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 August 2021**

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**Appeal Ref: APP/N5090/W/20/3265875**

**47 Netherlands Road, New Barnet, Barnet EN5 1BP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr Tagbo Umenyilora against the Council of the London Borough of Barnet.
  - The application Ref 20/3532/HSE, is dated 31 July 2020.
  - The development proposed was described as 'rear ground floor extension, rear-side first floor extension and new rear-side roof extension'.
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## Decision

1. The appeal is dismissed and planning permission is refused.

## Procedural Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council has subsequently prepared an appeal statement indicating that had it determined the application, planning permission would have been refused. I have had regard to this statement and to the principal concerns identified within it in framing the main issues.
3. The description of development in the banner heading above is taken from the application form. However, the appellant notes that the description should refer to a 'two storey rear' extension. In its appeal statement, the Council also suggests that the proposal would be more accurately described as 'part single, part two-storey front, side and rear extension. Alterations to existing roof including 1no rear dormer window and 1no side dormer window'. I agree that this better reflects the development illustrated on the submitted plans, and I have determined the appeal accordingly.
4. Subsequent to the appeal being submitted, the Government published a revised National Planning Policy Framework 2021 (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I am therefore satisfied that no prejudice would be caused by my consideration of the appeal against the revised Framework.

## Main Issues

5. The main issues are (i) the effect of the proposal on the character and appearance of the host building and area; and (ii) the effect of the proposal on the living conditions of the occupiers of 45 and 49 Netherlands Road with particular regard to outlook.

## Reasons

### *Character and Appearance*

6. Netherlands Road is predominantly characterised by semi-detached dwellings of a few original designs which are set on strong building lines fronting the street. Varied hip-to-gable roof alterations and assorted dormer extensions result in some diversity in the character and appearance of roofs along the street, but they typically retain an appreciable single ridgeline. I also observed a mix of extensions. However, those that I saw to the side of dwellings tend to be single-storey or with first-floor levels that are set back from the front of the dwellings and set in from the boundary providing for a degree of subservience to the host dwelling, and preserving some spacing around it. As a consequence, the alterations that are present do not in my judgement significantly disrupt the overall rhythm and coherence of the street scene.
7. The appeal proposes extensions and alterations to a semi-detached dwelling. The two-storey part of the rear extension would be of fairly modest depth, but the ground-floor level would be deeper and would significantly exceed the 3.5m maximum depth for rear extensions to semi-detached dwellings suggested by the Council's Residential Design Guide 2016 (RDG).
8. The extension would also wrap around to the side of the dwelling with only a very small gap between the boundary and the first-floor level that would not be maintained at the eaves. The extension would be less than half the width of the dwelling, but it would also project slightly forward of the host building at ground-floor, with the first-floor level aligned with the front of the existing dwelling. This relationship would conflict with guidance within the RDG that first floor side extensions should normally be set back 1m from the main front wall of the existing house. In addition, the proposal includes alterations to the main roof resulting in the creation of a flat crown section with further large dormer additions to the side and rear roofslopes. Notwithstanding a slight set down from the ridge, these dormers would occupy substantial proportions of the extended host roofslopes, and would be contrary to guidance within the RDG that dormers should generally be subordinate features and should not occupy more than half the width or half the depth of the roof slope.
9. Taken cumulatively, the proposal would result in a considerable increase in the bulk and mass of the dwelling, and in my view would result in oversized and disproportionate additions that I find would dominate and subsume the appeal building to the detriment of its character.
10. I acknowledge that the extensions to the rear of the dwelling would not be readily apparent from the street scene, and note the appellant's suggestions that glazing to the rear dormer and front rooflights would align with windows below, albeit that this is not what is shown on the plans before me. Nevertheless, the alterations to the roof would be appreciable from the street scene and the flat crown section to the main roof would be inconsistent with the predominant single ridgelines to hipped or pitched roofs to other buildings on Netherlands Road. Moreover, the appellant does not dispute that separation to the neighbouring dwelling at 45 Netherlands Road would be only around 1.1m. This would be significantly below the 2m that the RDG advises should be provided between flank walls to reduce the visual impact of extensions, with the majority of the spacing provided on the neighbouring site. Whether or not a two-storey extension to the side of No 45 is likely so as to cause near-total

terracing in future, the limited spacing that would result from the appeal proposal alone would be readily apparent, and would restrict views through to the rear part of the site. As a consequence and together with the overall lack of subservience of the extensions to the host dwelling, the development would in my judgement stand out conspicuously and would disrupt the characteristic pattern of development in views along the street scene.

11. Given other pairs of semi-detached dwellings along Netherlands Road with differing roof forms and extensions, some variation between the appeal dwelling and its attached neighbour at 49 Netherlands Road would not in my view be necessarily unacceptable. Be that as it may, the substantial overall scale of the development would in this case contrast strikingly with the more modest size of No 49 as well as other nearby buildings, exacerbating the visual impact and incongruous nature of the development.
12. The appellant refers to a potential fallback position, and has provided details of prior approval<sup>1</sup> and lawful development certificates<sup>2</sup> which have been granted at the site. From the evidence before me, I have no firm reason to doubt that these schemes could be implemented were the appeal to be dismissed. The fallback would potentially allow for development including a hip-to-gable roof extension, a rear dormer similar to that now proposed, as well as extensions of similar depth beyond the rear of the dwelling and width beyond its side. Be that as it may, the side and rear extensions under the fallback would be single-storey only, and the hip-to-gable roof alteration and rear dormer would not extend beyond the two-storey side or rear elevations of the host dwelling. They are not therefore comparable to the appeal proposal where I consider that the much more substantial scale of the two-storey extensions and roof alterations would result in far greater harm to the character and appearance of the dwelling and area. Given the uncharacteristic scale and appearance of the appeal development as a whole and the more limited visual impact of the single-storey extensions under the fallback, I also do not find the inclusion of a hipped roof or balancing of the ground-floor and first-floor levels to be a significant benefit of the proposal. Accordingly, I do not find that the potential fallback offers a compelling justification for the development before me.
13. The appellant suggests that there are numerous examples of similar developments that form part of the established character of the area, but from the limited details provided, I do not know the circumstances which led to them being accepted. Besides, while I note examples demonstrating many of the individual features that I have identified above as contributing to the unacceptable nature of the development, the appellant acknowledges that none include all of the elements proposed. They do not therefore reflect the particular circumstances of this case. In any event, the existence of extensions and variety in the street scene is not a reason, on its own, to allow otherwise unacceptable development that would undermine the integrity of the host building to the detriment of the character and appearance of its surroundings.
14. For these reasons, I conclude on this main issue that the development would integrate poorly with the appeal dwelling, and would result in excessive and unsightly additions that would cause unacceptable harm to the character and appearance of both the host dwelling and area. Accordingly, I find that it would conflict with Policies CS1 and CS5 of Barnet's Core Strategy 2012 (CS) and

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<sup>1</sup> Application reference 19/5724/PNH

<sup>2</sup> Application references 19/6859/192 and 20/0897/192

Policy DM01 of Barnet's Local Plan Development Management Policies 2012 (DMP) which require, amongst other things, high quality design and development that respects local context and protects local character.

### *Living Conditions*

15. The Council has raised concerns that the proposed rear extensions would be overbearing to both neighbouring properties and contribute to an unacceptable sense of enclosure, and has particularly referred to the bulk and dominance of the first-floor rear extension when seen from 45 Netherlands Road. However, the first-floor part of the extension would be of similar depth to a ground floor projection to the closest part of this neighbour, and the closest first-floor window above is obscure glazed. Although the extension would be close to the boundary with the roof extended above it, given this relationship and that No 45 is also set in from the boundary, I do not consider that the proposal would result in an unacceptable degree of enclosure or loss of light or outlook for occupiers of No 45.
16. Turning to consider 49 Netherlands Road, the fallback would potentially allow for an extension of some depth along the boundary with a height similar to the ground-floor part of the extension that is now proposed. However, the appeal also includes a first-floor level and extension to the roof. The Council does not assert that this would result in a harmful loss of light, and given the position of No 49 broadly to the south of the appeal site and the depth of the development, I agree. Nevertheless, the first floor-level would adjoin the boundary, with only a small set in to the dormer of similar depth above. Although the first-floor would be of fairly limited depth, I find that the effectively three-storey height of development in such close proximity to the boundary would be dominant and overbearing, particularly when seen from the ground-floor window to the rear of No 49. Despite the depth of the rear garden beyond, this would result in unwelcome enclosure and harm to outlook for the occupiers of this dwelling.
17. The proposal may reduce opportunities for views from the appeal site towards nearby dwellings and gardens. Even so, the existing relationship is not unusual within a residential area and I am not persuaded that it results in significant overlooking or lack of privacy. I do not therefore consider that any improvements in this regard would justify the harm that would instead be caused through loss of outlook.
18. I therefore conclude on this main issue that the development would cause unacceptable harm to the living conditions of the occupiers of 49 Netherlands Road through loss of outlook. Neighbours have not objected to the development, but the harm I have identified would be permanent and would conflict with Policy DM01 of the DMP which includes a requirement that development allows adequate outlook for adjoining occupiers. It would also be contrary to the RDG which advises that two-storey rear extensions need to ensure that they do not lead to loss of outlook or overbearing impact.

### **Other Matters**

19. I must come to my own view on the merits of the appeal proposal, and while the appellant comments that they have sought to follow advice provided, this does not alter my findings on the main issues.

20. I am sympathetic to the appellant's desire to provide additional and enhanced living accommodation, and note comments regarding the functionality of the space that is proposed, the cost of building works as well as the reason for purchasing the property. However, I am mindful of advice within the Planning Practice Guidance that in general, planning is concerned with land use in the public interest. The development would also be likely to remain long after the current personal circumstances cease to be material. I therefore find that these factors are not sufficient to outweigh the harm that I have identified, and the resulting conflict with the development plan.

### **Conclusion**

21. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

*J Bowyer*

**INSPECTOR**