



Appeal Decision

Site Visit made on 10 August 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/N5090/W/21/3270756

34 Talbot Crescent, Hendon, London NW4 4HP

- 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 Suresh Varsani against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/0367/HSE, dated 23 January 2020, was refused by notice dated 18 December 2020.
 - The development proposed is described as 'part single, part two storey side and rear extensions following demolition of the existing conservatory. Part front storey extension. Front porch extension. Roof extension involving rear dormer window and crown roof windows.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development description in the banner heading above is taken from the planning application form. However, the Council's decision notice describes the proposal as 'part single, part two storey side and rear extensions, including new access steps, following demolition of the existing conservatory and garages. Single storey front extension incorporating new front porch. Roof extension involving a rear and a side dormer window and 1no rooflights. New single storey rear outbuilding'. This is also the description used by the appellant on the appeal form, and I consider it a more accurate description of the proposal. I have therefore determined the appeal on that basis.
3. The dwelling to the south of the appeal site is 30 Talbot Crescent. The Council's second reason for refusal refers to effects on the occupiers of 32 Talbot Crescent, but its report on the application refers to No 30, and it is clear that it is this property to which the concern relates. The appellant's evidence has also been prepared on this basis, and I have considered the appeal accordingly.
4. The London Plan 2021 (LP) was published since the planning application was determined and supersedes policies of the previous iteration of the London Plan cited within the Council's decision notice. The appellant has identified policies of the LP that they consider relevant to the appeal, and the Council had the opportunity to address this through its evidence. I am therefore satisfied that no prejudice would be caused by my determination of the appeal in light of the policies of the LP, and I make no further reference to the previous iteration.
5. Subsequent to the submission of the appeal, the Government published a revised version of the National Planning Policy Framework. The main parties

were afforded an opportunity to comment on any implications for the appeal, although no responses were submitted.

6. In the event that I am minded to dismiss the appeal, the appellant requests that I have regard to options for alternative forms of development to that considered by the Council. However, the option suggesting a dormer to the side of the roof would significantly alter the appearance of the development including from the street scene, and would introduce glazing facing towards 36 Talbot Crescent. I cannot be assured that potentially interested parties would be aware of the change, and there is therefore a risk of prejudice if I were to consider this option. Moreover, the alternative dormer options are illustrated only on partial extracts of the second floor plan and rear/side elevation, and there is no updated floor plan to accompany the option showing changes to the rear elevation fenestration. I would be unable to base my decision on the partial details of the options available to me, and I have therefore determined the appeal on the basis of the original set of plans upon which the Council made its decision.

Main Issues

7. The main issues are (i) the effect of the proposal on the character and appearance of the host dwelling and area; and (ii) the effect of the proposal on the living conditions of the occupiers of 30 Talbot Crescent with particular regard to outlook.

Reasons

Character and Appearance

8. Talbot Crescent is characterised by a mix of detached and semi-detached dwellings which are set on strong building lines fronting the street. Despite some extensions and roof alterations, design features including two-storey front bays and sloping hipped roofs are common, and the majority of dwellings near to the site have fairly regular patterns of fenestration and similar external materials. Spacing between buildings also remains typically generous, particularly at first-floor level and above, and allows for views towards relatively long rear gardens and in some cases the open backdrop of Malcolm Park behind. While there is some variety including in the width of dwellings, these factors provide for a spacious character to the area and there is a distinctive sense of coherence overall.
9. The appeal site includes a detached dwelling which the main parties indicate benefits from extant planning permission for development including a part single, part two storey side and rear extension; front porch extension; and roof extension with side dormer¹. The appeal proposal includes larger extensions to the side, rear and front of the dwelling, a rear dormer and an outbuilding. Nevertheless, given the similarities between the schemes and the appellant's stated intentions, it seems to me that there would be a reasonable prospect of the previous permission being implemented should the appeal be dismissed. In considering the effects of the proposal, I have therefore taken the previous permission into account as a fallback.
10. From the evidence before me and my visit, I see no reason to disagree with the Council's assessment that the outbuilding would be acceptable. In accordance

¹ Application reference 18/5850/HSE

with the Council's Residential Design Guidance Supplementary Planning Document 2016 (RDG), the extensions proposed to the sides of the dwelling would be set back from its front and set down from the main roof. As a result, and having regard to the fallback position which would result in development in similar proximity to the flank boundaries of the site, I also consider that the extensions to the side of the dwelling would be acceptable.

11. The porch extension would be fairly wide, and would connect to the two-storey bay to the front of the dwelling. However, it would be of very limited depth, and its modest single-storey height would ensure that it remained subordinate to this feature. The proposed fenestration and roof design would also be in keeping with the existing building, and while there may not be examples of directly comparable porches in the vicinity of the site, I am satisfied that it would not dominate the host building or appear unduly prominent within the street scene.
12. Part of the single-storey rear extension would be deeper than the fallback development, and would exceed the 4m depth that the RDG suggests will normally be considered acceptable for a detached dwelling. It would also span nearly the whole width of the site, and would appear fairly tall when viewed from the rear as a result of the land levels which fall generally towards the rear of the site. Nevertheless, this would also be the case under the fallback position. The deepest part of the extension would be set in significantly from the sides of the dwelling, and the depth of the outer sections of the extension would be well within the RDG guidelines. The dwelling would also retain a large rear garden, and given these factors I am satisfied that the single-storey part of the extension would not appear disproportionate to the host dwelling or site.
13. However, the proposal also includes a two-storey rear extension across the full extended width of the dwelling. The additional depth beyond the existing building would be relatively small, but the flat roof design would emphasise the appearance of bulk. It would also combine with flat sections over the side extensions to wrap around a substantial proportion of the main roof ridge, and while the dormer would generally accord with specific guidance within the RDG, it would further increase the scale of the roof form. Taken together, these elements of the proposal would add considerably to the mass and bulk of the upper part of the building, and I find that they would dominate and overwhelm the more modest original form and proportions of the dwelling to the detriment of its character. This would be in marked contrast to the fallback development where the two-storey rear extension would be to only part of the extended width of the dwelling and would have a subordinate hipped roof form.
14. Despite some screening by vegetation, I saw at my visit that the rear of the appeal dwelling is visible from Malcolm Park, including across the adjacent garden to 30 Talbot Crescent as a result of the relatively low height of the vegetation along a large part of its boundary. The development would be similarly visible. It would be seen together with a number of nearby large dormers, but two-storey extensions are less common and I consider that the unsympathetic bulk and form of the rear extension and roof combined would be an unusual and conspicuous feature in the surrounding area.
15. For these reasons, I find that the proposal would result in unacceptable harm to the character and appearance of the host dwelling and area. Accordingly, the proposal would be contrary to Policies CS1 and CS5 of Barnet's Local Plan Core Strategy 2012 (CS), Policy DM01 of Barnet's Local Plan Development

Management Policies 2012 (DMP) and Policy D4 of the LP. Amongst other things, these policies together broadly seek high quality design and development that respects local context and distinctiveness and the appearance and characteristics of surrounding buildings.

Living Conditions

16. Windows to the rear of the neighbouring dwelling at 30 Talbot Crescent are positioned close to the boundary with the appeal site. There would be separation to the deepest part of the proposed rear extension. However, the less-deep section nearest to the boundary would still project significantly beyond the closest part of this neighbour in close proximity, and the evidence before me indicates that this part of the development would be of slightly increased depth than the fallback development. The appeal proposal would additionally result in an increase in the two-storey depth of the dwelling beyond No 30 closest to the boundary, further differentiating it from the fallback.
17. The appeal site is at a slightly higher land level to No 30, and while the difference is not large, this would exacerbate the visual impact of the development. In my judgement, the additional depth of the extensions now proposed, and the presence of deeper two-storey development in such close proximity to the boundary in particular, would be dominant in views from windows and the patio to the rear of No 30. It would also lead to an enclosing effect in combination with the existing rear projection to No 30. While the orientation means that the proposal would not result in overshadowing, I therefore find that outlook for the occupiers of this dwelling would be harmed.
18. For these reasons, I conclude on this main issue that the proposal would harm the living conditions of the occupiers of 30 Talbot Crescent. I acknowledge that neighbours have not objected to the development, but the harm I have identified would be permanent and would conflict with Policy CS5 of the CS and Policy DM01 of the DMP insofar as they broadly seek quality environments and to ensure adequate living conditions for adjoining occupiers. It would also be contrary to the RDG advice that extensions should not cause a significant sense of enclosure or loss of outlook from neighbouring habitable rooms.

Other Matters

19. The fallback development includes a dormer to the side of the roof closest to 36 Talbot Crescent which does not form part of the appeal proposal. However, the position of the dormer relative to No 36 and lack of windows to the side of this neighbour would limit potential for harmful overlooking, and the presence of other side dormers in the street scene would moderate its visual impact and prominence. I do not therefore consider that removal of the dormer would represent a sufficient benefit to outweigh the harm that I have identified in relation to the main issues above.

Conclusion

20. 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