



Appeal Decision

Site visit made on 28 September 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2021

Appeal Ref: APP/N5090/D/21/3277953

37 Broadhurst Avenue, Edgware, HA8 8TP

- 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 C Vennett against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/0875/HSE, dated 17 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is described as *"two storey side extension to allow for the creation of a granny flat at first floor. Installation of internal lift. Single storey rear extension following removal of external spiral staircase"*.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed two storey side extension. The appeal is allowed insofar as it relates to the single storey rear extension and planning permission is granted for a single storey rear extension following removal of external spiral staircase at 37 Broadhurst Avenue, Edgware, HA8 8TP in accordance with the terms of the application, Ref 21/0875/HSE, dated 17 February 2021, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, so far as relevant to the single storey rear extension: GGS20045.2 001; GGS20045 002; GGS20045.2 003; GGS20045.2 004.
 - 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.

Procedural Matter

2. Revised plans were submitted with the appeal that propose alterations to the design of the side extension, including the introduction of a front gable. These changes would be minor in nature, and I do not consider that any party would be prejudiced by my acceptance of them. I have therefore determined the appeal based on the revised plans.

Main Issue

3. The main issue is the effect of the development on the character and appearance of both the host property and the surrounding area.

Reasons

4. The appeal property consists of a semi-detached dwelling that is positioned opposite the junction between Broadhurst Avenue and Lynford Gardens. Both it and the adjoining property at Nos 39 have mock-Tudor frontages.
5. In combination with an existing extension, the appeal proposal would more than double the width of the original frontage. Whilst the symmetry of the semi-detached pair has already been altered by existing extensions, these are sympathetic in scale and appearance, and retain a degree of balance between Nos 37 and 39. In contrast, the appeal proposal would create a large and imposing feature that would visually unbalance the semi-detached pair to a far greater extent. It would result in an unusual, elongated appearance that would largely close the gap between Nos 37 and 35. In my view, it would have a discordant appearance that would draw the eye, including in longer views from both the north and west. The proposed alterations to the design would not overcome my concerns in this regard, and the introduction of a narrow angled wall at the corner would add a further incongruous element.
6. It is asserted that the proposed side extension is required in order to adapt the property to assist with care arrangements of family members with complex medical needs. I have sympathy with the appellant's situation, and this is clearly a matter of some importance. However, there is little evidence before me to demonstrate that an extension of this size and scale is necessary in order to accommodate these specific care needs. It is also unclear whether other, less harmful, options have been explored that could also accommodate these requirements. These uncertainties limit the weight I can attach to the appellant's personal circumstances in this case.
7. For the above reasons, I conclude that the proposed side extension would significantly harm the character and appearance of both the host property and the surrounding area. It would therefore be contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) (2012), Policy DM01 of Barnet's Local Plan (Development Management Policies) (2012), and guidance contained in the Residential Design Guidance SPD (2016). These policies and guidance seek to ensure, amongst other things, that new development is well designed, respects the appearance, scale, and mass of surrounding buildings, and responds to the existing character of an area.
8. Separately, the proposed single storey rear extension would have an appropriate design and would be constructed in matching materials. It would be comparable in scale to other nearby rear extensions and would have only limited visibility from public vantage points. I further note that the Council has not objected to this element of the scheme. Accordingly, I conclude that the single storey rear extension would not significantly harm the character and appearance of either the host property or the surrounding area. It would therefore accord with the policies and guidance listed above.

Other Matters

9. The development would not result in any significant harm to the living conditions of neighbouring occupiers. It would also be unlikely to set a precedent within the locality given the host property's design and position within the street. However, this represents an absence of harm in relation to those matters, rather than a positive benefit that would weigh in favour of the appeal proposal.
10. The concerns raised regarding the Council's conduct during the processing of the planning application fall outside of the remit of this decision.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. A further condition relating to the external facing materials is also necessary in order to protect the character and appearance of the area.

Conclusion

12. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity. As the appellant states that the proposal is required to assist with care arrangements of family members with complex medical needs, these are persons who share a protected characteristic for the purposes of the PSED.
13. It does not follow from the PSED that the appeal should succeed. In this case the proposed side extension would significantly harm the character and appearance of both the host property and the surrounding area. In addition, and based on the evidence before me, I am unable to conclude that an extension of this size is necessary to accommodate the appellant's requirements.
14. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

Thomas Hatfield

INSPECTOR