



Appeal Decision

Site Visit made on 18 October 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2021

Appeal Ref: APP/N5090/D/21/3273838

52 Parkhurst Road, LONDON N11 3EL

- 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 & Mrs Camille and Simon Warren against the decision of London Borough of Barnet.
 - The application Ref 20/5861/HSE, dated 4 December 2020, was refused by notice dated 1 February 2021.
 - The development proposed is a single storey side and rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey side and rear extension at 52 Parkhurst Road, LONDON N11 3EL in accordance with the terms of the application, Ref 20/5861/HSE, dated 4 December 2020, and the plans submitted with it, 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: 001 site plan, 201 proposed site plan showing roof, 202 Proposed Ground Floor Plan, 203 Proposed first floor plan, 204 Proposed rear elevation, 205 Proposed section A1A1 and 206 Proposed section B1B1.
 - 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.

Preliminary Matters

2. Planning approval was granted by the Council for a single storey rear extension¹ (The Approved Scheme). During my visit I observed that the development appears to have commenced, but is not complete. The existing rear return has been demolished and a new breeze block wall erected between the appeal site and 50 Parkhurst Road (No 50). The proposal appears to be identical to the approved extension apart from a small infill section adjacent to the boundary of No 50. I have no evidence to dissuade me from the assertion that the approved scheme presents a clear fall-back position. Therefore, whilst I must consider the entire proposed extension, including that which has previously been approved, I shall focus on the area of dispute that differentiates this scheme from the Approved Scheme.

¹ Planning Application Reference: 20/2416/HSE

Main Issues

3. The main issues are:

- The effect of the proposal on the character and appearance of the host dwelling and the surrounding area, and
- The effect of the proposed side and rear extension on the living conditions of occupiers of No 50 with particular respect to outlook.

Reasons

Character and appearance

4. Parkhurst Road is a residential street consisting of semi-detached and terraced dwellings of various traditional styles. Properties within the street include ornate bay windows and facades with stone and brick detailing. The dwellings close to the appeal site have two-storey returns of similar depth as the appeal dwelling. The host dwelling is an end terrace property that follows the form and style of the predominant character of buildings within the street. It therefore makes a positive contribution to the character and appearance of the area.
5. The proposed infill extension would represent a discrete addition to the Approved Scheme and would be in a position that would have no impact on the streetscene. Furthermore, due to its limited scale and footprint it would represent a proportionate and subtle addition that would have a negligible further effect on the character of the host dwelling. The proposed infill would be positioned beyond the established rear building line of the row of dwellings. However, this line has already been more significantly breached by the Approved scheme. Consequently, the proposal would appear neither bulky nor incongruous either by itself or in combination with the Approved Scheme.
6. As such, the proposal would complement the host dwelling and the character and appearance of the area. Consequently, the proposal would satisfy policy CS5 of the Barnet Core Strategy (2012)(CS), policy DM01 of the Barnet's local Plan - Development Management Policies DPD (2012)(LP) and the Residential Design Guidance, in consideration of matters relating to character and appearance. These policies, among other matters, seek development to respect an area's local context and character and to represent high quality design.

Living conditions

7. No 50 has a two storey return that includes two side windows and a rear window at ground floor. There is also a ground floor rear facing window on the property's main rear elevation. These windows appear to serve habitable rooms and partly overlook the boundary wall. The infill element would extend the length of the boundary wall by about three metres. The side wall would be around 2.3 metres high and would therefore be marginally higher than a boundary fence.
8. The proposal would extend the approved boundary wall further into the rear garden. However, the roof of the proposal would recede with a gradual incline away from the boundary. Therefore, the wall and roof in combination would limit the overall effect of the proposal and result in a negligible sense of enclosure for neighbouring occupiers. Accordingly, the proposed addition to the approved scheme would not demonstrably increase the effect on living

conditions of the proposal. As such, the proposed development would not result in a harmful impact on the outlook of occupiers of No 50.

9. Accordingly, the proposal would comply with policy DM01 of the LP and the Council's Residential Design Guidance with respect to matters relating to living conditions. These policies, inter alia, seek development to allow for adequate outlook for adjoining occupiers and users. However, policy CS5 of the CS is silent with respect to effect on living conditions and therefore is not relevant to this issue.

Conditions

10. I have applied the standard conditions advised within the National Planning Practice Guidance. I have also imposed a condition for materials to match the existing building in the interests of the character and appearance of the host dwelling.
11. The Council has suggested that a further condition be imposed to prevent side windows being applied to the extension. However, the National Planning Policy Framework seeks to only removed Permitted Development rights if there is clear justification to do so. The side elevations of the proposal would mostly be boundary features and would be at ground floor level. As such, any overlooking would be limited and would be unlikely to result in a significant loss of privacy to neighbouring occupiers. As such this condition would not be necessary.

Conclusion

12. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For these reasons, I therefore conclude that the appeal should be allowed.

B Plenty

INSPECTOR