



Appeal Decision

Site visit made on 1 November 2021

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021.

Appeal Ref: APP/N5090/D/21/3273172

41 Montpelier Rise, Golders Green, London NW11 9DT

- 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 Mrs A Hayun against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/6086/HSE, dated 16 December 2020, was refused by notice dated 10 February 2021.
 - The development proposed is a first floor rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 41 Montpelier Rise, Golders Green, London NW11 9DT in accordance with the terms of the application, Ref 20/6086/HSE, dated 16 December 2020, 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 drawings:
041MR-A-01-001, 041MR-A-01-002, 041MR-A-02-101, 041MR-A-02-102, 041MR-A-03-101, 041MR-A-03-102, 041MR-A-03-103, 041MR-A-03-104, 041MR-A-05-101, 041MR-A-05-102, 041MR-A-06-101, 041MR-A-06-102, 041MR-A-06-103, 041MR-A-06-104, 041MR-A-01-002, 041MR-A-02-001, 041MR-A-02-002, 041MR-A-03-001, 041MR-A-03-002, 041MR-A-03-003, 041MR-A-03-004, 041MR-A-05-001, 041MR-A-05-002, 041MR-A-06-001, 041MR-A-06-002, 041MR-A-06-003 and 041MR-A-06-004.
 - 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors shall be constructed on the flank elevations of the first floor rear extension.
 - 5) The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building, and shall at no time be converted to, or used as, a balcony, roof garden, amenity or sitting out area.

Procedural Matter

2. The location plan (drawing no. 041MR-A-01-001) mistakenly outlines in red 43 Montpelier Rise ('No 43'), rather than the appeal property at No 41. However, as the Council's notification letters, along with the submitted drawings, clearly and correctly identify the address of the proposed development, I am satisfied that no parties' interests have been prejudiced by that error.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the area; and
 - the living conditions of neighbouring occupiers, with particular regards to overshadowing and outlook.

Reasons

Character and appearance

4. The Council's Residential Design Guidance Supplementary Planning Document 2016 ('RDG') sets out, amongst other things, that extensions should respect local character, and should normally appear subordinate to the original house, having regard to its form, style and proportions.
5. No 41 and nearby properties, comprise two storey dwellings, whose front faces have a fairly consistent form and design. However, I observed that many have been significantly altered to the rear. Those alterations include many large rectilinear dormer windows, along with single storey rear extensions.
6. As well as a rear dormer and a ground floor rear extension, No 41 has a first floor rear projection ('existing rear projection'), which this scheme would replace. The proposal would have a greater mass than the existing rear projection, being wider, taller and slightly deeper, and it would cover more than half the width of the property. However, as its design would include a pitched roof with crown, it would have a less crude and a less functional appearance; and it would be set well below the dwelling's roof.
7. Whilst there would be fairly distant views of the side face of the proposal from Montpelier Way, it would not be prominent in the streetscene, and from there it would be seen in the context of the many substantial rear dormers which draw the eye given their location high up on these properties. Moreover, the proposed development would not be readily visible above No 41's large ground floor extension from neighbouring properties.
8. For those reasons, in the context of the existing rear projection it would replace, the scheme would not harm the character and appearance of the host property or the area. On this issue it would not therefore conflict with those parts of Policy CS5 of Barnet's Local Plan (Core Strategy) 2012 ('BCS'), or Policy DM01 of Barnet's Local Plan (Development Management Policies) 2012 ('BDMP') which, in broad terms, require high quality design that respects local context and distinctiveness; and it would not conflict with the stance in the RDG.

Living conditions

9. Whilst the proposal would be adjacent to No 43's plot boundary, it would be separated from that dwelling by a passageway. Compared to the existing rear projection it would be closer to, but still set in a significant distance from, the boundary with the attached neighbour at No 39. Unlike No 43, No 39 has no rear extension adjacent to the boundary, and it is at a slightly higher level.
10. Drawing No 041MR-A-03-102 depicts that the proposal would not interrupt a 45 degree line drawn from the nearest first floor windows at No 43 or at No 39. It would not therefore significantly intrude on the outlook from those windows, which is predominantly down their respective rear gardens. Additionally, the scheme's depth would be less than 3 metres, which is the maximum normally considered acceptable in the RDG for two storey rear extensions sited within 2 metres of a neighbouring boundary.
11. For these reasons, having regard to its context, site levels and its relationship with adjacent development, the proposed replacement extension would not significantly impact the outlook from the rear face, or the gardens, of No 39 or No 43, and it would not have a harmful overbearing impact on their occupants.
12. Given the scheme's set down relative to the host's roof, the modest proposed increase in the dwelling's proportions, and the broadly north facing rear aspect, even if there would be any additional overshadowing of No 39 compared to the existing situation, this would be very modest.
13. The relevant parts of BCS Policy CS5 and BDMP Policy DM01 seek to create high quality places, with adequate daylight, sunlight, privacy and outlook for adjoining occupiers. For the above reasons, the scheme would not conflict with those policies, nor with the RDG's stance of safeguarding residential amenity having regard to matters such as the positioning of buildings and windows.

Conditions and Conclusion

14. Turning to the matter of conditions, I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans. A matching materials condition is also necessary in order to protect the character and appearance of the host property and the area.
15. The National Planning Policy Framework sets out that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. However, in this case, the insertion of openings into the side elevations of this elevated extension could result in significant overlooking of, and loss of amenity to, adjacent occupiers. Consequently, my condition number four is necessary, as is my condition number five, which is imposed for the same reason.
16. I conclude that the scheme would not harm the character and appearance of the host property or the area, or impact adjacent occupiers' living conditions to a harmful degree. Consequently, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR