



Appeal Decision

Site visit made on 23 November 2021

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/N5090/D/21/3281923 37 Bushfield Crescent, Edgware HA8 8XQ

- 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 H Gruber against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/2592/HSE, dated 9 May 2021, was refused by notice dated 5 July 2021.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor rear extension at 37 Bushfield Crescent, Edgware HA8 8XQ, in accordance with the terms of the application, Ref 21/2592/HSE, dated 9 May 2021, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 3) Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors shall be placed at any time in the side elevations of the extension hereby permitted, facing Nos 35 or 39 Bushfield Crescent.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 202105.P.001, 011, 101, 111, 301 and 302,

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Planning permission was granted under Ref 21/1281/HSE for a first floor rear extension approximately 3.9 metres wide and 3.1 metres deep. This application as originally submitted was the same as the current appeal proposal, but was amended in order to secure permission. The appeal proposal

involves a first floor rear extension just under 4.9 metres wide and about 3.6 metres deep.

4. The proposed extension is set away from the boundaries of the site with the adjoining terraced houses on either side, and covers just over half the width of No 37's rear elevation. It would be a relatively deep extension but, being set down from the ridge of the roof, and away from the site boundaries, would appear as subservient to the main house and not be unduly large or prominent in relation to the host property.
5. The rear elevation of No 37 is not visible from any public viewpoint, and the proposed extension would not have an unacceptably adverse effect on the character or appearance of the wider area. I also noted on my site visit that No 45 already has a sizeable first floor rear extension. The Council tells me that this is less than 3 metres in depth and was approved under a previous iteration of the development plan. Nevertheless, its existence does mean that the character of the area to the rear of the houses in this part of Bushfield Crescent already includes an extension extending over two storeys, and of significant size. In this context, the appeal proposal would not be harmful.
6. I conclude that the proposal would not have an unacceptably adverse effect on the character or appearance of the area, and would comply with Policy D3 of the London Plan (2021), Policy CS5 of the LB Barnet: Core Strategy (2012), Policy DM01 of the LB Barnet: Development Management Policies DPD (2012), and with advice contained within the Residential Design Guidance SPD (2016). These policies seek, amongst other things, development that optimises site capacity, respects local context and distinctive local character, and that does not cause harm to the character or appearance of the property or area.

Conditions

7. As well as standard conditions relating to when the development should commence and compliance with the approved plans, a condition requiring the external materials used to match the existing building is necessary, to protect the character and appearance of the area. A condition is also needed to prevent the insertion of windows in either side elevation of the extension, to ensure that no unacceptable overlooking of adjoining houses and gardens occurs.

Conclusion

8. For the reasons set out above, I conclude that the appeal should be allowed, subject to the conditions set out above.

Michael J Muston

INSPECTOR