

# Appeal Decision

Site visit made on 15 November 2021

**by Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date 3rd December 2021

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**Appeal Ref: APP/N5090/D/21/3281820**

**80 Galsworthy Road, Cricklewood, London NW2 2SH**

- 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 Ms Reena O'Neill against the decision of the London borough of Barnet Council.
  - The application Ref 21/2195/HSE, dated 18 April 2021, was refused by notice dated 16 June 2021.
  - The development proposed is single storey rear extension.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and surrounding area of Galsworthy Road.

## Reasons

3. The appeal property is located on the north east side of Galsworthy Road which is characterised by mainly two storey, terraced housing but includes Galsworthy Close, a three storey block of flats, which appears to have been designed as part of the original estate layout. The properties are all built in brick under tiled roofs. The rear of the terraced houses in the vicinity of the appeal site have been extended but mainly at ground floor level with either monopitch or flat roof rear extensions typically to a depth of around 3 metres. Those houses, such as the appeal property, with other two storey rear or dormer roof extensions are very much the exception. The appeal property has been significantly extended having a two storey, rear extension, hip to gable and large dormer roof extensions already and the proposal would add a further 3 metre deep, single storey extension to the rear.
4. I have been referred to other cases in Galsworthy Road which the appellant argues are similar and would justify the appeal proposal; in particular Nos 50 and 46. However, the Council argues that the former involves unauthorised elements and therefore I am not persuaded that it would present a valid justification. In any event, having viewed the images for these two properties in the evidence before me, I am not satisfied that either is sufficiently similar to the case at No 80. In the case of both properties, although there are two storey, rear extensions and large single storey rear extensions either built or,

in the case of No 46, permitted, the design on both involves a hipped roof tying into the main house and no dormer roof extension. This forms a much more appropriate design solution in the context of the terrace than what would be the result at No 80. Therefore, I will determine the proposal at No 80 on its own merits.

5. The result of the extension together with all the other extensions already in place, on what is a modestly scaled dwelling, would not be subordinate or proportionate to the original house. It has been put to me that the rear extension in its own right would be acceptable and, while this might be the case, it is the cumulative impact on the scale and the character of the property that would not be acceptable as the extensions would totally subsume the design of the original house.
6. I acknowledge that there would only be a limited view from the street towards the rear of No 80 through the side gap between Nos 80 and 82 but the development would be visible in private views from neighbouring properties and gardens and from the flats in Chorus House to the north. From these positions the cumulative effect of the proposals would appear out of keeping with the development pattern and character and appearance of the area.
7. I have been referred to 'fallback' alternatives to the appeal proposal which the appellant argues could be implemented under permitted development rights (PD) and would have a similar impact to the appeal proposal and therefore justify allowing the appeal. Two scenarios have been suggested.
8. I have been invited to conclude that a large outbuilding could be developed under PD. However, for a 'fallback' to carry weight as a material consideration there must be more than a theoretical possibility that the development would take place. As an outbuilding would not deliver the kitchen extension which the appellant is seeking because it would not be attached to the house, I am not satisfied that there is reasonable prospect that this 'fallback' would be implemented.
9. It has also been put to me that as, under the *General Permitted Development Order* (GDPO) through the prior approval route, it would be possible to construct a single storey extension to a depth of 6 metres, that this would have the same effect as the appeal proposal. However, this property has already been extended to the rear over two storeys to a depth of 3 metres. The *Permitted Development Rights for Householders Technical Guidance 2019* states that "Where the proposed extension is to be joined to an existing extension to the original house, whether that was built following a planning application or under permitted development rights, the total enlargement (being the proposed extension together with the previous extension) must meet the limits set out in (e) to (j)..." (of Class A to Part 1 of Schedule 2 of the GDPO). Any 6 metre deep single storey rear extension on this property would in part exceed 4 metres in height due to the existing rear two storey extension and would therefore conflict with the limit at A.1g) of Class A. It would not therefore be PD under the prior approval arrangements and not therefore a relevant 'fallback' nor a material consideration in this case.
10. In any event the appellant was required to apply for the 3 metre deep, single storey, rear extension proposed and therefore I am entitled to determine the

appeal proposal in its own right taking into account the combined effect of all extensions on the property.

11. The Framework at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal would fail. At paragraph 134 the Framework states that development that is not well designed should be refused especially where it fails to take into account design guidance.
12. The Council has produced the *Residential Design Guide Supplementary Planning Document* (SPD) to assist householders in planning alterations to existing properties and states that "...there is a limit to how much most houses can be extended. The cumulative effect of extensions and their impact on the appearance of an area should also be taken into account."
13. In respect of rear extensions the SPD advises that they should not look too bulky and prominent compared to the size of the main building and garden to which they relate. This has not been done in this case and the proposed addition to the existing rear extension would harm the character and appearance of the property and its surroundings and would therefore be contrary to the SPD.
14. It is accepted that the SPD is only guidance but it is designed to help implement the Council's development plan policies. Policy CS5 of the *Barnet Local Plan Core Strategy* (BLPCS) is consistent with the Framework in requiring that development respects local context and distinctive local character and amongst other things that development protects and enhances the gardens of residential properties. Policy DM01 of the *Barnet Local Plan Development Management Policies* (BLPDMP) further requires that development proposals should be based on an understanding of local characteristics and respect the appearance, scale, mass, height and pattern of surrounding buildings.
15. For the above reasons the proposed rear extension, in combination with the other substantial extensions already on the property, would have an unacceptable impact on the established character and appearance of the original house and the immediate surroundings. As such the proposal would fail to meet the policy objectives of the Framework, BLPCS, BLPDMP and the SPD.

#### *Other Matters*

16. I understand the appellant's wish to achieve a larger kitchen and living space and therefore make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11 and that it would optimise site capacity as encouraged by Policy D3 of the *London Plan 2021* (LP 2021). However Paragraph 124 of the Framework requires that making efficient use of land must take into account the desirability of maintaining an area's prevailing character and setting. Similarly, LP 2021 Policy D3 requires that when optimising site capacity the most appropriate form of development that responds to existing character must be adopted. In these respects the proposal fails.
17. I note that the extension would not give rise to any harm to living conditions

for neighbouring occupants but this, of itself, would not mitigate the harm to the character.

### **Conclusion**

18. It is clear from the Development Plan policies that harm to local character and amenity in the local area are important considerations and for the reasons above the sustainable and effective use of the dwelling would not therefore outweigh the harm to the character and appearance as a result of the proposal. The appeal is therefore dismissed.

*P. D. Biggers*

INSPECTOR