



Appeal Decision

Site visit made on 19 November 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/N5090/W/21/3273854

2 Crescent Road, Church End, London N3 1HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by O&N London Company Limited against London Borough of Barnet.
- The application Ref 20/4643/HSE, is dated 1 October 2020.
- The development proposed is a lower ground floor extension, part single part two storey rear extension, replacement of existing roof with mansard roof, replacement of windows.

Decision

1. The appeal is dismissed and planning permission for a lower ground floor extension, part single part two storey rear extension, replacement of existing roof with mansard roof, replacement of windows, is refused.

Preliminary Matters

2. I have used the Council's description of development as this is more precise.
3. The Council have commented that had they determined the application they would have refused planning permission for the development as they consider that the proposed development is of poor design, relating unsympathetically to the original design of the house and detracting from the character of the surrounding area; would result in an unacceptable level of overlooking and increased perception of overlooking to the rear properties on Dollis Road; and fails to provide sufficient protection for trees of amenity value.

Main Issues

4. The main issues therefore are the effect of the proposed development on 1) the character and appearance of the host property and the surrounding area, and 2) the living conditions of occupants of properties on Dollis Road with regard to overlooking.

Reasons

Character and appearance

5. The appeal property is a two-storey detached dwelling with a hipped roof. It is located in a predominantly residential area where there is a wide range of property styles and sizes. It sits between a four-storey building that also has a hipped roof and a single storey flat roof residential building and garage. Due to these lower buildings and the descent of Crescent Road, the appeal property is

highly prominent when approaching the site from Nether Road. Although from this viewpoint, the appeal property is somewhat dominated by the taller four storey buildings to its side, there is a pleasant uniformity to the roof slopes, with the appeal property and the four storey buildings both prominently presenting their hipped roofs to the street-scene.

6. When descending Crescent Road, for a small section of the street, the appeal property is experienced in conjunction with the properties to the rear on Dollis Road. Closest to the appeal property is a terrace of four two-storey properties, two of which have mansard roof extensions.
7. The proposed mansard roof, including dormer windows, would result in the creation of a crown roof. Due to its overall design and scale, it would result in a bulky and incongruous addition to the property, with the resulting dwelling appearing top-heavy. When viewed from the descent from Nether Road, it would appear at odds and out of character with the uniformity of hipped roofs to the existing properties on this section of the street.
8. I acknowledge that for some part, it would be seen in conjunction with the mansard roofs to the rear. These are however to a different style of property that are less prominently sited in the street-scene. They also serve to demonstrate the impact of bulky roof additions to properties, and they do not justify allowing harmful development. I also acknowledge that there are various roof styles in the area. For the most part these are integral to the design of the host building. Despite their existence, they do not justify the harm I have identified.
9. There is an existing tree towards the eastern boundary of the appeal site. It is clearly visible above the lower-level buildings adjacent to the site where it serves to soften the built environment. Although it does not appear to have any statutory protection, it does provide a positive landscape feature to the immediate area and the rear garden of the appeal property and those surrounding the site. The Council have commented that they would also have refused planning permission due to the failure to provide sufficient information to demonstrate that the tree would be protected.
10. The appellant has outlined that the site analysis shows overwhelming evidence that the proposed development would not have a significant impact on the tree, and further argues that the Council could have requested an arboricultural report or imposed a condition that such a report could be submitted prior to commencement.
11. I have not been provided with any of the evidence, as referred to by the appellant, to demonstrate that the proposed development would not have a significant impact on the tree. Given the potential for disturbance, in light of the significant earthworks that would be necessary for the creation of the basement, it would not be appropriate to require such details to be submitted by condition. The absence of information therefore weighs against the appeal.
12. The proposed development would therefore have an unacceptable impact on the character and appearance of the host property and the surrounding area. It would be contrary to Policies CS1 and CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document (2012), Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012), and Policy G7 of the London Plan 2021. These policies seek to ensure, amongst

other things, that development is of a high quality and standard of design and that development adequately protects existing trees and that wherever possible existing trees of value are retained.

13. The proposed development would also be contrary to the guidance contained within the Residential Design Guidance Supplementary Planning Document (SPD) (2016) that outlines, amongst other things, that extensions should normally be subordinate to the original house, respect the original building, not be overly dominant and be consistent with the form, scale and architectural style of the original building.

Living conditions

14. The rear elevation of the appeal property looks towards the two-storey residential properties of Dollis Road. Due to the curvature of Crescent Road and the linear nature of Dollis Road there is a varying degree of separation between the properties on either street. It is however at its closest where the appeal property shares a boundary with nos. 10 and 12 Dollis Road, but then increases with properties further along Dollis Road.
15. The appeal property also sits on a higher ground level than the properties on Dollis Road. I was able to experience the existing outlook from the ground and first floor windows of the appeal property towards the properties to the rear, where it was apparent that there was a notable degree of overlooking.
16. The large window of the proposed first floor extension would project closer to the properties to the rear than the existing windows. It would also include a 'Juliet' style balcony. There are also large dormer windows proposed at a second-floor level within the proposed mansard roof.
17. Due to the difference in ground levels and the elevated siting and size of the windows of the proposed development, this would exacerbate and worsen the existing levels of overlooking towards the properties to the rear and cause significant harm.
18. The appellant suggests that the imposition of a planning condition to require the use of obscure glazing in the second-floor windows would overcome concerns relating to overlooking. I note from the submitted plans that the second-floor bedroom is dual aspect, therefore the use of obscure glazing in the rear elevation would not result in unacceptable living conditions for future occupants. The other second floor window is to a shower room, where it is assumed obscured glazing would be used. I therefore agree with the appellant that a condition could be used to overcome the impact of the second-floor windows in terms of overlooking. Nevertheless, this does not remove the harm that would be caused by the first-floor extension.
19. The proposed development would therefore have an unacceptable impact on the living conditions of occupants of properties on Dollis Road with regard to overlooking. It would be contrary to Policy CS5 of the Barnet Local Plan (Core Strategy) (2012) and Policy DM01 of the Barnet Local Plan (Development Management Policies) (2012). These policies seek to ensure that, amongst other things, development respects local context and character and should be designed to allow for adequate privacy for adjoining occupiers.
20. The proposed development would also be contrary to the guidance contained within the Residential Design Guidance SPD (2016) that outlines, amongst

other things, that the positioning of windows should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows.

Conclusion

21. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed, and planning permission refused.

A M Nilsson

INSPECTOR