



Appeal Decision

Site visit made on 29 November 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10/01/2022

Appeal Ref: APP/N5090/W/21/3277777

6 Uphill Grove, London NW7 4NJ

- 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 Mr Mark Simons against the Council of the London Borough of Barnet.
 - The application Ref 21/2108/HSE, is dated 14 April 2021.
 - The development proposed is construction of side extension, first floor rear extension and loft extension.
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Decision

1. The appeal is allowed and planning permission is granted for construction of side extension, first floor rear extension and loft extension at 6 Uphill Grove, London NW7 4NJ in accordance with the terms of the application, Ref 21/2108/HSE, dated 14 April 2021, 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 plans: Drg No 6UPHI-SPLP01 Rev 00 – Site Plan; and Drg No 6UPHI-PPE01 Rev 01 – Proposed Plans and Elevations.
 - 3) The materials to be used in the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 - 4) Before the building hereby permitted is first occupied the proposed windows in the side elevations facing No. 4 and 8 Uphill Grove shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
 - 5) 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, other than those expressly authorised by this permission, shall be placed at any time in the first-floor side elevations, of the extensions hereby approved, facing No. 4 and 8 Uphill Grove.

Preliminary Matters and Main Issues

2. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. In its Statement of Case, the Council has indicated a reason for refusal had it resolved to determine the application, and it also refers to harm to the outlook of 4 Uphill Grove. The appellant has been given the opportunity to comment on these matters.
3. On the basis of the Council's Statement of Case, the main issues are the effect of the proposal on the:
 - Character and appearance of the host property and the area; and
 - The living conditions of residents of 4 Uphill Grove with regards to outlook.

Reasons

Character and Appearance

4. The appeal site consists of a dwellinghouse located in a pleasant suburban area, which contains a variety of designs of dwelling.
5. The roof of the extensions would project to the ridge of the existing roof of the building. The Council considers that that would be unacceptable as the roof form of extension would not appear subordinate to the main dwellinghouse. However, when viewed from the front, the resultant roof form would reflect that on other properties in the vicinity. Whilst the proposal would extend the ridge to the rear, this would not be readily visible from the public realm, and in any event would not appear as an incongruously large addition to the roof of the dwelling.
6. The proposal would project across more than half of the rear elevation of the dwelling. However, it would be set back from the side boundaries and would not project beyond the existing ground floor extension. Whilst the proposed rear extension would be visible from nearby properties and Lawrence Avenue, the proposal would also be viewed within the context of the rear of nearby properties which include a mixture of building forms. Even allowing for the scale of the extensions and the continuation of the existing ridge line, due to its design and context the proposal would not appear as an obtrusive addition to the rear of the dwelling.
7. The Council has not objected to the projection of the extension to the front so that it is flush with the main front elevation. It has also raised no objections to the proposed porch and dormers. I see no reason to disagree.
8. I conclude that the proposal would not harm the character or appearance of the host property or the surrounding area. The proposal would therefore comply with the design requirements of policies CS1 and CS5 of the Council's Core Strategy 2012 (Core Strategy), policy DM01 of its Development Management Policies 2012 (DMP), and policy D3 of the London Plan 2021. The proposal would also not conflict with the National Planning Policy Framework (the Framework) with regards to achieving well-designed places.
9. The proposal would not reflect the advice of the SPD¹ with regards to setting down the ridge of two storey extensions. However I am mindful this is

¹ Supplementary Planning Document: Residential Design Guidance October 2016

guidance, and for the reasons stated previously in respect of the particular circumstances of this site I do not consider that this would be harmful in respect of character and appearance.

10. The Council refers to policy HC1 of the London Plan, but this relates to heritage matters and there is no evidence before me that the proposal affects heritage assets.

Living Conditions

11. The Council submits that the proposal would have an overbearing impact on the outlook from the neighbouring property of 4 Uphill Grove. These concerns arise from the scale of the proposal, proximity to the boundary and length of projection to the rear.
12. The proposed extension would be set back from the boundary which would mitigate a potentially overbearing effect on the outlook from No 4. The appellant also submits that the proposal meets the '45 degree' rule from habitable windows of No 4, and the Council have provided no evidence to demonstrate otherwise. The proposal would not project beyond the existing ground floor extension, and even allowing for the resultant increased scale of development at first floor and above, I consider that the extensions would not have an overbearing or unacceptable enclosing relationship with No 4.
13. I therefore conclude that the proposal would not harm the living conditions of residents of No 4 with regards to outlook. The proposal would therefore comply with the aims and amenity considerations of policies CS1 and CS5 of the Core Strategy, policy DM01 of the DMP and policy D3 of the London Plan. The proposal would also not be contrary to the Framework in respect of achieving a high standard of amenity for existing residents.
14. The Council considers that the proposed extension would not comply with the guidance of the SPD in respect of projection to the rear. However, based on what I have seen and read, any harm arising from this matter is not sufficient to withhold planning permission.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.
16. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. A condition is also required to ensure that external materials match those of the existing building in the interests of character and appearance. Conditions relating to obscure glazing and controlling the installation of side openings are appropriate in the interests of the privacy of neighbouring residents.

David Cross

INSPECTOR