



Appeal Decision

Site visit made on 8 December 2021

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022.

Appeal Ref: APP/N5090/D/21/3285835
9 Old Rectory Gardens, Edgware HA8 7LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of an application for planning permission.
 - The appeal is made by Mr and Mrs H Cohen against the Council of the London Borough of Barnet.
 - The application Ref 21/2949/HSE dated 27 May 2021 was refused on the 31 August 2021.
 - The development proposed is a two storey side/rear extension.
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Procedural Matter

1. The application form describes the development as "single storey rear and side extension". However, it is clear from the plans that the proposed development is a two storey side/rear extension as described in the Council's decision notice and in the appeal form. Therefore I have used this description.

Decision

2. The appeal is allowed and planning permission is granted for a two storey side/rear extension at 9 Old Rectory Gardens, Edgware HA8 7LS, in accordance with the terms of application ref: 21/2949/HSE dated 27 May 2021 and subject to the following conditions:
 - 1) This permission shall be begun before the expiration of three years from the date of this permission.
 - 2) This permission shall relate to the following approved plans: 176_PP-001-3 RevP1(Site Location Plan), 176_PP-002-3 RevP1 (Proposed Block Plan), 176_PP-100-3 RevP1 (Existing Ground Floor Plan / Existing First Floor Plan), 176_PP-101-3 RevP1 (Existing Roof Plan & Proposed Roof Plan), 176_PP-110-3 RevP1 (Proposed Ground Floor Plan/Proposed First Floor Plan), 176_PP-200-3 RevP1 (Existing Side Elevation /Existing Rear Elevation), 176_PP-210-3 RevP1 (Proposed Side Elevation /Proposed Rear Elevation).
 - 3) The materials to be used in the external faces of the extension hereby permitted shall match those used on the existing dwelling.
 - 4) The roof of the extension hereby permitted shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
 - 5) 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 other

openings shall be inserted in the side elevation of the extension hereby permitted, facing no. 8 Old Rectory Gardens.

Main Issues

3. The main issues are the effect on (a) the character and appearance of the host property and wider area and (b) the living conditions of the occupiers of the adjoining property, No. 8 Old Rectory Gardens.

Reasons

4. The appeal site comprises a semi-detached property which is located in a small cul-de-sac of similar properties. It is an 'L' shape with deep hipped roof. A single detached garage is sited just to the rear of the dwelling at the end of a driveway running to the side of the property.
5. The other half of the semi-detached pair is of similar 'L' shape with matching hipped roof. It has been extended to the rear with a large flat roofed single storey addition which is located along the boundary of the appeal site.

Character and appearance

6. The proposal would infill part of the area to the rear of the dwelling within the corner of the 'L' shape, extending to two stories in height but with a lower roof height than that of the host dwelling with small central 'crown' roof. It would extend to a depth of just under 2.7 metres from the rear existing rear elevation of the dwelling.
7. Although the extension would have a different roof form compared to the host dwelling, it would not be so different as to appear incongruous, with deep sloping roofs to the edges of the crown roof matching the pitch of the main roof. The proposal would add some bulk to the dwelling but bearing in mind the relatively modest depth and lower height, I do not consider that it would be out of scale nor of inappropriate design.
8. I therefore find that the proposal would complement the character and appearance of the host dwelling and wider area. As such it would comply with Policies CS1 and CS5 of the Core Strategy (2012) (CS), Policy DM01 of the Development Management Policies DPD (2012) (DMP) and Policy D3 of the London Plan (2021)(LP) which seek to ensure that development is of the highest standard of urban design to create accessible, safe and attractive environments, that respects the local context and distinctive local character. It would also satisfy the Council's Residential Design Guidance SPD (2016) which in general terms seeks to ensure that development respects the character of the street scene and is complementary to the host property.

Living conditions

9. The proposed extension would be sited right up to the boundary with the adjoining property. There would be no impact on the existing single storey extension which it would abut. However, it would be sited close to an existing first floor window in the rear elevation of the adjoining property. The rear projection at this adjoining property already has some effect on the light and outlook from this window.
10. Although I was unable to access this adjoining property at the time of my site visit, I was able to view the relationship from the rear garden of the appeal

site. Whilst I consider that the proposed extension would affect the view and outlook from this window to an extent, I am not convinced that it would result in an unacceptable relationship.

11. As noted above, the proposed extension would be of relatively modest and would be located to the north-west of this adjoining property. Whilst this would result in some impact on the daylight received and the outlook from this nearest window and would marginally encroach the 45 degree line from the centre of the adjoining window, I consider that the effect would not be unacceptably harmful. The window affected faces south-west and the main view towards the rear garden would not be significantly impacted. The modest depth would also mean that it would not be dominant or overbearing and the potential 'tunnelling' effect suggested by the Council would not result in a harmful sense of enclosure.
12. I therefore find that the proposal would not be unacceptably harmful to the living conditions of the occupiers of this adjoining property. The proposal would therefore comply with CS policy CS5, DMP policy DM01 and LP policy D3 which seek to ensure that the amenities of neighbouring properties are not unacceptably affected. It would also satisfy the guidance in the Design SPD and the Council's Sustainable Design and Construction SPD (2016) which seek to ensure that extensions do not result in a harmful loss of outlook or light and create sustainable development.

Other Matters

13. The Council has referred to an appeal decision relating to Nos. 10 and 11 Rectory Gardens. This appears to relate to an extension which infilled the area between the rear projections of both properties resulting in a '*long, continuous rear elevation at first floor level*'. That would not be the case with this current appeal scheme which is for a relatively small rear addition which would be subservient to both the height, depth and scale of the host property.

Conclusions

14. The Council has suggested conditions to refer to the approved plans and to require matching materials to be used in the development which are necessary in the interests of proper planning and visual amenity. Further conditions are suggested to prevent the use of the flat roof as an amenity area and to control the insertion of any further windows in the flank elevation. I agree that these are necessary to protect the privacy of the adjoining occupiers.
15. Overall, therefore, for the reasons set out, I conclude that this appeal should be allowed and planning permission granted.

P Jarvis

INSPECTOR