

Appeal Decision

Site visit made on 27 January 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal Ref. APP/N5090/D/21/3286526

1 Sycamore Close, Barnet EN4 8AQ

- 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 Mr Marc Friedmann against the decision of the Council of the London Borough of Barnet.
 - The application ref. 21/4408/HSE, dated 9 August 2021, was refused by notice dated 14 September 2021.
 - The development proposed is "Two storey rear extension, alteration to side fenestration. New front porch".
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Decision

1. The appeal is allowed and planning permission is granted for 2-storey rear extension, alteration to side fenestration and new front porch at 1 Sycamore Close, Barnet EN4 8AQ in accordance with the terms of the application ref. 21/4408/HSE, dated 9 August 2021, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 1401/ 1; and 1401/ 3I.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
 - 4) The roof of the ground floor part of the rear extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
 - 5) The new windows above ground floor level in the north-eastern side elevation shall be obscure glazed and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
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Procedural matters

2. The spelling of the appellant's surname on the application form differs from that provided on the appeal form. In the heading above, I have used the version set out on the application form which I believe to be correct.
3. The description of the proposed development set out on the application form has been updated by the descriptions used on the Council's decision notice and the appeal form. Whilst I have adopted the updated description of the proposed works in the heading above, the rear extension is arguably more accurately described as a part single-storey, part 2-storey rear extension, as alluded to in the reason for refusal.
4. On drawing 1401/ 3I, the forwardmost new window in the north-eastern side elevation is not shown on the floor plans. It appears to be located where it would function as a new window to the staircase and I have treated it as such.
5. At my site visit, I noticed that at 2 Sycamore Close, the house adjoining the appeal property, a ground floor rear extension has recently been added such that the rear ground floor of this property lines up with the rear ground floor of no. 3 and reaches beyond the substantially completed 6 m deep rear ground floor extension at no. 1 by about 0.6 m. This adjoining extension does not appear to have been in existence at the time the application the subject of this appeal was determined by the Council. I have nonetheless recorded its existence and taken it into account and for the avoidance of any doubt, I can confirm that my decision in this appeal would not have been materially different had no. 2 remained without any such extension.

Main issue

6. The Council had no objections to the new front porch or to the insertion of new windows in the north-eastern side elevation of the house. The Council did not find that the proposed rear extension would cause an excessive loss of amenity for neighbouring properties for any reason. Rather, the Council considered that it would be harmful to the character and appearance of the host property and the general area. The main issue is therefore the effect of the rear extension upon the character and appearance of the dwelling and its surroundings.

Reasons

7. The appeal property is a 2-storey house situated at the end of a short terrace. It is set on an advanced building line in comparison to nos 2 and 3, the other houses in the same terrace, and has a long rear garden. Sycamore Close is a cul-de sac which appears to date from the latter part of the 20th century. The properties are arranged to face a wide turning head with parking bays alongside it. The surrounding area is largely residential in character.
8. The Residential Design Guidance Supplementary Planning Document (SPD), adopted in October 2016, carries weight as a material consideration in decision making but it should not be applied prescriptively to the exclusion of all other factors, including the planning history and context of a site. Moreover, if it is going to be applied fairly, there needs to be at least some recognition about how closely an existing situation squares up to the guidelines in the document.

9. The SPD recommends a depth of 3 m for single-storey rear extensions to terraced houses. The Council, correctly in my view, was happy to disregard this guidance in respect of the 6 m deep, full-width ground floor element of the rear extension. This was mainly because the pronounced rearward stagger of the adjoining house at no. 2 would limit the extension's projection beyond that neighbouring property and its visual impact. I see no reason to disagree. Given the recent extension at the back of no. 2, that neighbouring house now actually reaches beyond the ground floor back wall of the appeal extension by 0.6 m. Moreover, the ground floor part of the appeal extension has already been built and, in my opinion, substantially completed, pursuant to a prior approval procedure (ref. 18/1289/PNH) and a lawful development certificate (ref. 18/7466/192). It could be retained regardless of the outcome of this appeal.
10. Whilst the first floor element of the rear extension would also reach across the full width of the rear elevation and would not include a lower eaves line or roof ridge, the appellant points out that for 2-storey rear extensions the SPD does not specifically rule out proposals that would be full width and not set down from the main roof. Rather, since the first floor element would only have a depth of about 2.6 m, it would comfortably meet the SPD guideline for 2-storey rear extensions next to boundaries to project no more than 3 m. At that proposed depth, the extension would set back from the upper rear wall of no. 2 by a stated 1.02 m and be over 3 m back from the single-storey element below. It would therefore be a stretch of the imagination to suggest that the 2-storey part of the proposed extension would appear unduly bulky or dominant. Rather than appearing insubordinate and incongruous, the roof profile would a good match for the host property and the adjoining rear roof over no. 2, and setting it down would achieve no visual benefit in the circumstances of this case. Of course, being at the rear, the proposed development would have no obvious visual impact in the public realm.
11. I find on the main issue that the rear extension, whether viewing its ground floor and first floor elements individually or cumulatively, would not harm the character and appearance of the dwelling or its surroundings. For the avoidance of doubt, I consider that the proposed scheme as a whole would exhibit a high standard of design, be sufficiently complementary, sympathetic and subordinate to the parent building and be respectful of the suburban environment of Sycamore Close. The project would comply with the development plan policies listed in the decision notice: Policy DM01 of Barnet's Local Plan Development Management Policies September 2012 and Policy CS5 of Barnet's Local Plan Core Strategy September 2012. Those policies, amongst other things, seek to ensure development respects local context and distinctive local character by creating places and buildings of high quality design and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. They accord with the National Planning Policy Framework insofar as it relates to achieving well-designed places.
12. That the staggered arrangement at the back of nos 1 and 2 would become less pronounced also counts in favour of the project. That arrangement, which still persists at first floor level, merits no accolade from an architectural or visual perspective and simply produces a sense of enclosure, an overbearing impact and restrictions on daylight and afternoon sunlight at the rear of no. 1, contrary to the principles of good design in the SPD.

13. As part of its delegated report, the Council has put forward a total of 6 conditions to be imposed in the event of the appeal being allowed. However only 3 of those appear in the Council's questionnaire. I have taken the delegated report to be the definitive response.
14. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have imposed a condition requiring matching materials, the use of which is indicated on the application form and submitted plans, to ensure that the development preserves the character and appearance of the area.
15. In the interests of privacy, it is also necessary to impose 2 of the Council's other 3 suggested conditions. These would prevent any potential future use of the flat roof of the ground floor part of the rear extension as a balcony or similar amenity area and exercise control over the glazing and opening of the new windows above ground floor level in the north-eastern side elevation.
16. The Council seeks also to prevent the future insertion of windows in the elevation of the ground floor part of the rear extension facing no. 2 Sycamore Close. There is no longer a need for such a condition given the way that this neighbouring property has been extended.
17. For the reasons given above and having regard to all other matters raised and the absence of objections from local residents, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR