

# Appeal Decision

Site visit made on 15 February 2022

**by John D Allan BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> March 2022**

---

## **Appeal Ref: APP/N5090/D/21/3286252**

### **72 Colin Park Road, Colindale, London NW9 6HS**

- 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 Mrs Shila Patel against the decision of the Council of the London Borough of Barnet.
  - The application Ref 21/3199/RCU, dated 8 June 2021, was refused by notice dated 25 October 2021.
  - The development proposed is described as '*Retention of single storey front, side and rear extension with revisions (changes to the roof of the rear projection and retention of boiler room)*'.
- 

## **Decision**

1. The appeal is dismissed.

## **Procedural Matter**

2. The development the subject of this appeal has already been constructed although it is proposed to alter the existing roof of the rear projection from a mono-pitch to a dual pitched roof with an end gable.

## **Main Issues**

3. The main issues are the effect of the proposed development on the character and appearance of the host dwelling and the area, and the living conditions at 74 Colin Park Road.

## **Background**

4. There is extensive planning history to the appeal property and directly relating to the development the subject of this appeal, including three consecutive appeal decisions.
5. Planning permission Ref W12295/00 was granted on 5 December 2000 for a 'single storey front, side and rear extension'. The footprint of the permitted extension is the same as the footprint of the extension that has been built and which is the subject of this appeal. The appellant implemented the permitted development but changes were made to its internal layout and, most significantly, to the form of the roof over the projecting element of the rear

extension. This element in the permitted scheme would have a pitched gable roof with a maximum ridge height of 3.3m according to the approved Drg No SP/KH/EXTNS/PLNG/1A, which has been supplied to me by the appellant. The scheme as built has a monopitch roof with a maximum height to its ridge and adjacent to the side common boundary with 74 Colin Park Road of between 3m and 3.8m when measured at its deepest point, according to undisputed figures provided by the Council.

6. Planning application Ref 19/2138/RCU for development described as 'single storey front, side & rear extension (retrospective planning permission W12295)' was refused on 29 July 2019. This application effectively sought to retain what had been built. A subsequent appeal Ref APP/N5090/D/19/3235975 was dismissed on 8 November 2019. The Inspector recognised and accepted that the Council had no concerns with regards to the single storey front and side extensions but found that the rear extension, due to its positioning, design, and massing was a discordant structure that was harmful to the character and appearance of the appeal property and the surrounding area. The Inspector also concluded that, due to its height and mass, the rear extension had an overbearing impact that was harmful to the outlook from No 74, together with an adverse effect on light to windows, doors, and the rear garden of No 74.
7. I note the Inspector in that case identified a boiler room structure built onto the rear extension and adjacent to the boundary with No 70. He found that this element of the proposal did not have a detrimental effect on the surrounding area and that the rear extension overall did not have an adverse effect on the living conditions at No 70.
8. On 12 August 2019 the Council issued an enforcement notice. The breach of planning control alleged the construction of a single storey front, side and rear extension. The requirements of the notice were to demolish the single storey front, side and rear extension and permanently remove the constituent materials. A subsequent appeal against the enforcement notice Ref APP/N5090/C/19/3237243 reaffirmed the previous appeal Inspector's conclusions with regard to the effect of the development upon the character and appearance of the area, and upon the living conditions at 74 Colin Park Road. However, the Inspector had regard to the 2000 planning permission and found the requirements of the enforcement notice to be excessive. The appeal therefore succeeded insofar as it allowed for an alternative requirement by complying with planning permission W12295/00, with the period for compliance varied from three months to six months from the date of the decision on 13 July 2020. At the time of my visit, it was evident that the building had not been modified beyond the form it was originally constructed.
9. In September 2020 the appellant submitted a further planning application Ref 20/4533/RCU for development described as 'Retention of single storey front, side and rear extension with a modified roof to part of the rear extension. Retention of rear boiler room'. The proposal sought to alter the rear extension by changing the existing monopitch roof to a flat roof. Planning permission was refused for similar reasons to those given for the earlier refusal and the issue of the enforcement notice. A subsequent appeal Ref APP/N5090/D/21/3266779 was dismissed on 20 May 2021. The Inspector found that although the flat roof would lessen the impact of the extension, its mass and scale would

be overly prominent and bulky, and would therefore have unacceptable harm to the character and appearance of the host dwelling and the area. The Inspector also concluded that whilst the proposal to reduce the height and introduce a flat roof would lessen the impact of the extension on the living conditions at No 74, it would still be a dominating and overbearing built form on the boundary.

10. As with previous proposals, the development the subject of this appeal consists of a number of elements. The Council has again indicated that it has no objections to the single storey front and side extensions. Previous Inspectors have acknowledged this and directed their considerations to the extensions to the rear. I have no reason to take any different approach.
11. The Inspector in the 2019 planning appeal identified no harm in relation to the boiler room part of the extension. This view was endorsed by the planning appeal Inspector in 2021. The Council has maintained its objection to this element but there is no evidence to suggest that the situation has changed in any way since 2019. I therefore have no reason to disagree with the previous Inspectors' conclusions on this element of the proposal.

## **Reasons**

### *Character and Appearance*

12. The proposal seeks to address the concerns raised by previous Inspectors regarding the over-dominant and incongruous form of the existing rear extension by modifying the monopitched roof to a dual pitch. The maximum height of the flank wall to eaves level facing No 74, when measured at its deepest point, would reduce from 3.8m (according to the Council's figures) to 3m (according to the proposed plan Drg No CPR PA 02 Rev B). When measured at its lowest point, immediately aligned with the rear wall of the original dwelling, it would measure just less than 2.5m to eaves. The ridge would measure 3.8m above ground level at its deepest point according to the same drawing.
13. The appellant has argued that the current proposal would provide an extension more akin to the original dual pitched garage that stood to the rear of the appeal property and which was incorporated into the extension approved in 2000. In terms of general form, I do not disagree. However, the scale would remain considerably different. The approved scheme, and that which is required to be instated by the enforcement notice, would have a maximum ridge height of just 3.3m according to the approved planning drawing. Furthermore, the dual pitched roof on the approved planning drawing would have a steeper gradient than the current proposal, with corresponding lower eaves heights.
14. Whilst the appellant's efforts to further lessen the impact of the extension are recognised, at its furthest point, the development would remain to be over prominent and bulky as an extension to the dwelling that would project very deep into the rear garden and along the shared side boundary with No 74. In this regard it would directly contravene guidance within the Council's Supplementary Planning Document (SPD): *Residential Design Guidance 2016* which seeks to ensure that rear extensions do not look too bulky and prominent compared to the size of the main building and garden to which they

relate. Whilst the proposed extension would be less imposing than the existing, it would remain to be highly visible from the rear gardens in the area and be an incongruous feature in the pattern of development. Suggestions by the appellant that the modified extension would appear similar to the original garage that stood in this position are unsupported by any substantive evidence to demonstrate that levels, eaves, and ridge heights are comparable.

15. I note the proposal includes altering a taller, flat roof element that extends beyond the rear wall of the dwelling for a depth of just over 3m. This was part of the 2000 approval and would be modified to follow the ridge and eaves lines that are now proposed for the rear extension as it projects adjacent to the boundary with No 74. However, this change would have no effect upon the unacceptable scale and dominance of the building that would progressively increase along its length.
16. I am not persuaded that the alterations proposed would sufficiently reduce the extension to avoid harm to the character and appearance of the host dwelling and the area. As such it would conflict with the Barnet Local Plan Core Strategy (2012) Policies CS1 and CS5, and the Barnet Local Plan Development Management Policies DPD (2012) Policy DM01. Together these policies require a high standard of design which respects the local context. By failing to respond positively to the site's context the proposal would also conflict with The London Plan 2021 Policy D3. For the same reasons there would be conflict with The National Planning Policy Framework's (The Framework) objectives for achieving well-designed places.

#### *Living Conditions*

17. The proposed reduction in height of the extension's flank wall adjacent to the boundary with No 74 would lessen the impact of the existing building on the neighbour's amenity. However, with a height of 3m at a significant depth beyond the rear walls of these neighbouring dwellings, the extension would continue to rise well above the height of a typical boundary enclosure that could reasonably be expected at this point. It would also rise above the height of the flank wall that was approved in 2000 and which the enforcement notice seeks to be instated.
18. The appellant argues that the alteration that is proposed to the height of the approved and built flat roof element to a depth of just over 3m beyond the rear wall of the original dwelling is a significant benefit that should weigh in favour of the proposal. Whilst I recognise that this part of the proposed extension would be modest in height and impact along this stretch of the boundary with No 74, it would modify a part of the development which has previously been taken by the Council and past Inspectors to be acceptable. Moreover, it would not mitigate the visual harm that would be imposed by the increasingly dominant and bulky part of the extension deeper along its length. The slight benefit that would be had by this change does not outweigh the harm.
19. Overall, I find that the development as now proposed, due to its excessive height and overbearing presence deep into the rear garden, would appear oppressive when viewed from inside No 74 and from its garden. It would therefore continue to harm the living conditions of the neighbouring occupiers. This would directly conflict with the guidance within the SPD, which seeks to

ensure that rear extensions do not cause a significant sense of enclosure, or a loss of outlook from principal windows of habitable rooms of neighbouring properties. As such it would be further contrary to Core Strategy Policies CS1 and CS5, and DPD Policy DM01, which together require proposals to allow adequate outlook for adjoining occupiers. In this context it would also further conflict with The London Plan's policies requiring good design and the Framework as it seeks to ensure development creates a high standard of amenity for existing users.

### **Conclusions**

20. For the reasons given, I find that the rear extension as now proposed would have a harmful effect upon the character and appearance of the host dwelling and the area, and that it would harm the living conditions at 74 Colin Park Road. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

*John D Allan*

INSPECTOR