



Appeal Decision

Site visit made on 1 February 2022 by Max Webb BA (Hons)

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2022

Appeal Ref: APP/N5090/D/21/3287694

22 Park Way, Temple Fortune, London NW11 0EX

- 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 Fluss against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/4119/HSE, dated 23 July 2021, was refused by notice dated 12 November 2021.
 - The development proposed is the formation of new basement level and new rear terrace at ground floor level. Erection of single and two storey rear extension. Erection of two storey front bay extension. Roof extension involving rear and side dormer windows, 2no side facing rooflights to both sides and 1no front facing rooflight and external alterations.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of the development used in the banner heading above has been taken from the Council's decision notice as it is more complete than the description used in the application form.
4. The Council has outlined that the formation of new basement level, rear terrace at ground floor level, single storey and two-storey rear extension, front bay extension, dormer windows and rooflights would all be acceptable, and have granted permission for these in a separate application. The proposal in this appeal includes a larger single storey and two-storey rear extension. The increased size of this part of the development is considered unacceptable by the Council. Therefore, the dispute between the parties is limited to that part of the development and my report will focus on that element.

Main Issues

5. The main issues in this appeal are the effect of:
 - the single and two-storey rear extensions on the character and appearance of the host dwelling and surrounding area;

- the two-storey rear extension on the living conditions of the occupiers of 24 Park Way, with regards to loss of light, outlook and whether there would be an overbearing impact.

Reasons for the Recommendation

6. The appeal dwelling is a detached property on a street of both semi-detached and detached properties. Although buildings on the street have no strong consistency in design form, there are aspects that ensure the area appears coherent. For example, the rear building line is relatively consistent, apart from the properties at either end of the street, and there are gaps between the individual buildings that ensure the plots do not appear cramped. There is, however, an existing flat roofed projection to the side of the appeal property that brings it into close proximity with the neighbour at 24 Park Way. However, notwithstanding that extension, the area remains an attractive residential neighbourhood on account of the individual designs of the dwellings, consistent building lines and spacing between properties.

Character and Appearance

7. The proposed two-storey rear extension would project towards the boundaries with Nos. 20 and 24 and bring the rear part of the dwelling significantly closer to the dwellings at either side, thereby reducing the degree of separation which would result in a cramped appearance at the rear of the dwelling. When compared to the previously approved two-storey extension, the proposal would be significantly larger and more imposing, extending across most of the rear of the dwelling, with minimal separation at each side. The overall width, depth and proximity to the neighbouring properties is such that the proposed two-storey extension would appear bulky and dominant.
8. The proposal includes increasing the size of the single storey rear extension over the previously approved development. The increase would be small however it would further breach the existing rear building line. Whilst it would not be visible from the street, it would be visible from neighbouring gardens and would lead to harm to the appearance of the immediate area. In combination, the proposal would see the dwelling extended across most of its width at ground and first floor level and to a significant depth, without any notable inset to break up the bulk and mass of the proposal, as was the case with the previously approved scheme. The resulting development would fail to appear subservient to the host dwelling and would be dominant in scale and form, appearing shoe-horned into the space between neighbouring properties.
9. Although in some cases an extension that does not appear subordinate to the dwelling may be appropriate, for the reasons outlined above, the increased size of the proposed single and two-storey rear extensions would harm the character and appearance of the host dwelling and the immediately surrounding area.
10. It would therefore not accord with Policy CS5 of the Core Strategy¹ which looks to ensure development respects local character. It would also not comply with Policy DM01 of the DMP² which aims to promote development that respects scale and mass of surrounding buildings. Likewise, it would go against the aims

¹ Barnet's Local Plan (Core Strategy) Development Plan Document (adopted 2012)

² Barnet's Local Plan (Development Management Policies) Development Plan Document (adopted 2012)

of Policy D3 of the London Plan (adopted 2021), which seeks to ensure development proposals respond to local distinctiveness.

11. The two-storey rear extension would also not comply with the SPD³, which outlines how extensions to all residential properties should be consistent with the original building, including not being overly dominant, and rear extensions should not look bulky compared to the size of the main building.

Living Conditions

12. The proposal would bring the first-floor part of the development into close proximity with the boundary with No.24. The proximity of the extension, allied to the height and scale of the two-storey flank wall, would cause a loss of outlook from the bay window located at first-floor level on the neighbouring property. It would also create a sense of enclosure and overbearing impact when viewed from this window, the conservatory and the garden area of No.24. The two-storey rear extension would be significantly closer to the boundary than the previously approved two-storey rear extension. I note that the first-floor addition would not project beyond a 45-degree line drawn from the centre of the bay window. However, unlike a flush window, the bay presently enables a wide outlook, including from the side facing panes looking towards the appeal site. The proposal would impinge on that outlook and would cause an unacceptable loss of outlook and increased sense of overbearing.
13. Due to the positioning of the neighbouring dwelling in relation to the appeal site, there would not be significant negative impacts upon daylight. However, this would not alter the harm that would arise from the loss of outlook and sense of overbearing from the two-storey rear extension.
14. Overall, the two-storey rear extension would harm the living conditions of the occupiers of No.24. It would therefore fail to comply with Policy DM01 of the DMP which suggests development proposals should allow for adequate outlook for adjoining users. Likewise, it would go against the aims of Policy D3 of the London Plan, which seeks to ensure development that delivers appropriate outlook. It would also not accord with the SPD, which looks to prevent extensions that would be overbearing or result in harmful loss of outlook and to avoid two-storey rear extensions that are closer than two metres to the neighbouring boundary.
15. The Council have also referred to Policy CS5 of the Core Strategy, however it is unclear how this relates to living conditions in this proposal.

Other Matters

16. Although the replacement of the flat roof with hipped roof may provide an improvement with regards to character and appearance, it has been granted permission in a separate application that does not include the larger single and two-storey rear extensions. The benefit related to the replacement of the flat roof is therefore limited in this appeal and would not outweigh the harm that would arise to the character and appearance of the host dwelling and the surrounding area and the living conditions of the occupiers of the neighbouring property.

³ Local Plan Supplementary Planning Document: Residential Design Guidance (adopted 2016)

Conclusion and Recommendation

17. For the reasons given above and having had regard to the Development Plan as a whole, I recommend that the appeal should be dismissed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR