



Appeal Decision

Site visit made on 28 February 2022

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22ND March 2022

Appeal Ref: APP/N5090/D/21/3288291

38 Northumberland Road, New Barnet, Barnet EN5 1ED

- 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 Ms Anna Freeland against the decision of Barnet London Borough Council.
 - The application Ref 21/4239/HSE, dated 28 July 2021, was refused by notice dated 15 October 2021.
 - The development proposed is proposed basement including side light well development for residential leisure use.
-

Decision

1. The appeal is allowed and planning permission is granted for a proposed basement including side light well development for residential leisure use at 38 Northumberland Road, New Barnet, Barnet EN5 1RD in accordance with the terms of the application, Ref 21/4239/HSE, dated 28 July 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - *Drawing Nos: - Site Plan – 0529_00_001;*
 - *Existing: - 0529_98_101; 0529_98_107; 0529_98_201; and 0529_98_202.*
 - *Proposed: - 0529_00_002; 0529_00_005; 0529_00_101 (proposed front and side elevations); 0529_00_101 (proposed rear and side elevations); 0529_00_111; and 0529_00_112.*

Procedural Matter

2. The second reason for refusal relates to the effect on existing trees and shrubbery on the site. The Council's Officer Report refers to viewing aerial imagery of the site and notes that there is a mature tree within the rear

amenity space and various trees and shrubs along the boundary but the application did not include information regarding these. However, it is apparent on site that the only tree that could have been affected by the proposal was a mature Willow tree in the rear garden. However, at the time of my site visit this had been severely cut back so that little more than a trunk and some bare limbs remain. I have not therefore included this matter any further in my assessment of this proposal.

Main Issue

3. I consider that the main issue is the effect of the proposal on the character and appearance of the existing dwelling and the area.

Reasons

4. The appeal site is a substantial detached house amongst a linear development along Northumberland Road. The house has been previously extended and there is a raised patio area to the rear. The house benefits from a fairly large garden. The proposed basement would be excavated beneath the patio. Above ground evidence of the basement would be minimal.
5. Council's Core Strategy Policy CS5¹ seeks to ensure that development respects local context and distinctive local character that creates places and buildings of high quality design and Development Management Policy DM01² also establishes the Council's requirement for high quality design based on an understanding of local characteristics and the preservation and enhancement of local character.
6. The Council's SPD Residential Design Guidance³ indicates that the Council will normally allow single floor basement extensions which do not project further than 3 metres from the rear wall of a house. The SPD further notes that nearby tree roots should not be damaged; no more than 50% of the amenity space, e.g. garden, should be removed; neighbouring water conditions should not be adversely affected; and any exposed area of basement should be subordinate to the property being extended and respect its original design and proportions; light wells should be discreet; railing should avoid creating visual clutter; and all rooms should be able to function properly for the purpose intended.
7. The proposed basement would provide a cinema room and a gym together with a small wine cellar and it would satisfy most of the guidelines in the SPD. However, it would project significantly more than 3 metres from the rear wall of the house by extending over 11 metres. However, the proposed basement would not be constructed beneath the house but would be under the existing patio area and part of the garden. Given that the patio/terrace would remain along with a substantial amount of garden, the visual impact of the proposal would be minimal. Furthermore, given the overall size and appearance of the house and its setting, the proposed basement would not have an adverse effect on the appearance of the house or its wider setting. Despite, its size therefore, given its relationship to the existing house, patio and garden, I do not consider

¹ Barnet London Borough – Barnet's Local Plan (Core Strategy) Development Plan Document September 2012.

² Barnet London Borough – Barnet's Local Plan (Development Management Policies) Development Plan Document September 2012.

³ Barnet London Borough Local Plan Supplementary Planning Document: Residential Design Guidance October 2016. (Part 3 Design Guidance for Existing Residential Development in Barnet).

that it would impact on the character or appearance of the house itself or the area generally.

8. I note the concerns raised about surface water drainage by the occupier of the neighbouring property, especially given that No 40 is on a lower level than No 38. However, although the basement would involve excavating beneath the patio and part of the garden, the amount of additional above ground hardsurfacing would be small. In the absence of evidence that there is an existing issue regarding surface drainage that would be exacerbated by this proposal, this matter does not alter my conclusion.
9. Conditions have been suggested by the Council which I have considered in the light of the Planning Practice Guidance⁴. I agree that the works above ground should be in material to match the existing dwelling in order to ensure a satisfactory appearance. Also for the avoidance of doubt and in the interest of proper planning, I consider that a condition requiring the development to be carried out in accordance with the submitted plans is necessary.
10. I have considered all matters raised but none alter my conclusion. I conclude that the proposal would not have a harmful effect on the character or appearance of the existing dwelling or on the area. It would not conflict with policies CS5 or DM01 and therefore the appeal succeeds.

J D Clark

INSPECTOR

⁴ Planning Practice Guidance, Published 6 March 2014, Updated 23 July 2019.