



Appeal Decision

Site visit made on 12 May 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/N5090/D/22/3293713

38 Devonshire Crescent, Mill Hill, London NW7 1DN

- 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 Syed Raschid Husain Jafery against the decision of London Borough of Barnet.
- The application Ref 21/5787/HSE, dated 29 October 2021, was refused by notice dated 11 January 2022.
- The development proposed is a part single/part two storey side and rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a part single/part two storey side and rear extension at 38 Devonshire Crescent, Mill Hill, London, NW7 1DN in accordance with the terms of the application, Ref 21/5787/HSE, dated 29 October 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 development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Elevations, Drawing Number – LBA 3266H – 03/LB Rev A; Proposed Floor Plans, Drawing Number LBA 3266H – 02/LB.
 - 3) 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.

Preliminary Matters

2. In order to correct a discrepancy in the plans, in relation to the roof of the proposed extension, the appellant submitted an amended plan to address this discrepancy. As this is a minor alteration from the initial plans, and the Council's concerns on the proposed development are clear in their evidence, I do not consider that their interests would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal on the basis of the amended plan.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property is a two-storey semi-detached dwelling. It is located in a predominantly residential area of properties of a similar style, many of which have been extended and altered. The property is located adjacent to a grassed back lane and the rear gardens of properties on Devonshire Road. Unlike properties sitting side by side, this siting results in the side elevation of the property being visible from the street-scene.
5. The property has an existing single storey extension to the side. The proposed development would extend the property to the side and rear and would be part single storey and part two storey. The first-floor element of the side extension would incorporate a set-back from the front building line of the property and the roof over the side extension would be hipped to match the roof of the main part of the dwelling. It would incorporate a ridge that would be set lower than the ridge of the roof of the main part of the dwelling.
6. Due to its design, scale and siting, the proposed extension would appear subordinate to, and would not dominate, the main dwelling. Although it would increase the bulk of the property on the side elevation, that would be visible from the street scene, its overall design would be appropriate and reflect the overall design of the host property. The use of matching materials would also contribute to ensure it would not cause harm.
7. The Council have expressed concern in relation to the nature of the extension insofar it would wrap around the house. Although they acknowledge that many of the surrounding properties have been extended, the Council refer to limited first floor extensions and wrap-around extensions in the immediate area.
8. Although there are no similar developments in the immediate area, as I have found that the proposed extension does not cause harm, this would not be a reason to dismiss the appeal.
9. The Council have commented that the proposed development would conflict with the Residential Design Guidance Supplementary Planning Document (SPD) which states that the width of the first-floor extension should not occupy more than half the width of the original dwelling. This, however, is applicable to side extensions, and the element of the proposed extension that is to the side of the property would not be more than half of the original building. Regardless, I have not found harm would be caused in any event, even were there to be a conflict with the SPD in this regard.
10. I therefore conclude that the proposed extension would not have an unacceptable impact on the character and appearance of the host property and the surrounding area. It would comply with Policies CS1 and CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document (2012), Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012) and Policy D3 of The London Plan (2021). These policies seek to ensure, amongst other things, that development is of a high quality and standard of design.
11. The Council's reason for refusal refers to the proposed development being contrary to Policy HC1 of The London Plan (2021). This policy, however, concerns heritage conservation and growth and is not pertinent to the main issue.

12. The proposed development would also be in accordance with the guidance contained within the Residential Design Guidance Supplementary Planning Document (2016) that outlines, amongst other things, that extensions should normally be subordinate to the original house, respect the original building, not be overly dominant and be consistent with the form, scale and architectural style of the original building.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area and the host property, it is necessary to impose a planning condition requiring the use of matching materials.

Conclusion

14. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR