

Appeal Decision

Site visit made on 10 May 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2022

Appeal Ref: APP/N5090/D/22/3292147

31 Holly Park Gardens, Finchley, London N3 3NG

- 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 and Mrs David Cohen against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/6095/HSE, dated 18 November 2021, was refused by notice dated 14 January 2022.
 - The development proposed is described as a 'Single storey front and side extension. Part single two storey rear extension. Single storey side and side extension to the rear of existing garage. Roof extension involving rear dormer and side dormer window and six no roof lights. Alterations to existing fenestration and demolition of 1 no chimney. New permeable front drive with crossover. Outbuilding and alterations to landscaping and to rear garden'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council does not object to elements of the proposed development other than the first-floor rear extension. I will therefore focus my decision on this matter.
3. The Council has previously granted planning permission on the site for an alternative proposal, which includes a similar series of extensions and alterations to those now proposed, under Ref 21/1230/HSE. I have been provided with the details of this extant permission.
4. The details set out within the submitted documentation make clear the most significant difference between the two schemes. The approved first floor rear extension is set down from the ridge level of the original property and set in from the north elevation, whereas in the appeal proposal this would extend along the full width of the property, with no setback, and the roof ridge level would match that of the original property.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the surrounding area, with particular regard to the first-floor rear extension; and

- the effect of the proposed development on the living conditions of the occupants of 33 Holly Park Gardens, with particular regard to outlook.

Reasons

Character and appearance

6. The appeal site comprises a detached property set within a large garden plot. Properties in the street are of a varied architectural style with numerous alterations and extensions apparent.
7. The proposed first-floor rear extension would generally meet the requirements of the Council's Residential Design Guidance Supplementary Planning Document (the SPD) (2016), with the materials, roof profile and roof pitch used in its design matching that of the original property. The proposed development would also be set back appropriately from shared boundaries.
8. Notwithstanding this, the roof of the first-floor extension would form a continuation of the main roof, with matching ridge level and plane, with no step down or set back apparent. The extension would run along the full width of the existing property and project well into the rear garden. As a result, while maintaining a symmetrical footprint, the proposed development would significantly add to the height, bulk and massing of the existing dwelling, failing to respect its original form or appear as a subordinate or later addition.
9. The fact that the property is more detailed at the front is not justification to automatically accept inappropriate additions and alterations to the rear elevation. I do not have the details of nearby extensions before me and did not observe any directly comparable examples during my site visit. In respect of whether the proposal is subordinate to the main property, I have reasoned above, based on the evidence before me, that it is not the case in terms of the bulk and mass of the rear elevation.
10. The previously approved rear extension is significantly smaller than that now proposed, set back from the north elevation with its ridge level considerably lower than the original house. As a result, that scheme provides a clearly subservient addition to the rear of the property that respects its original form and appearance. The proposed increase in the size of this extension goes beyond what could be considered subordinate and instead competes with the original form and appearance of the property.
11. Whilst the proposed extension would have a matching roof form and use matching materials and fenestration, its scale, bulk, massing and overall design would be unsympathetic to the original property, failing to represent a proportionate or subordinate addition.
12. Consequently, I conclude that the proposed development, with particular regard to the first-floor rear extension, would have a detrimental impact on the character and appearance of the host property and surrounding area. This would be contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the London Borough of Barnet: Local Plan (Core Strategy) Development Plan Document (DPD) (2012) (the Core Strategy); Policy DM01 of the London Borough of Barnet: Local Plan (Development Management Policies) DPD (2012) and the SPD. These policies, amongst other things, seek to ensure that development respects local context and is of a high quality design. This is

consistent with the National Planning Policy Framework (the Framework) insofar as good design is concerned.

Living Conditions

13. The proposed first-floor rear extension, at full width, would be large. It would project much further into the plot than the existing two-storey property does, and beyond that of adjoining 33 Holly Park Gardens, at a closer proximity to the shared boundary than that of the approved scheme.
14. The majority of side facing windows at No 33 are fitted with obscured glazing, although some clear glazed windows exist. Due to the position of the proposed development, together with the existing relationship between the properties, outlook here would not be significantly worsened.
15. The main direction of outlook from rear facing windows is down through the garden of No 33. Due to the position of the proposed extension and the separation distance between it and No 33, I do not consider occupiers would experience any significantly changed or unacceptable harm to outlook from rear facing windows.
16. The useable garden area at No 33 is smaller than that of the appeal property due to the existence of an outbuilding at the edge of its patio area. However, this patio extends along the full width of the property and is generally open all around. The setback of the first-floor rear extension from the shared boundary with No 33 is such that it would not feel unduly overbearing to users of the dwelling or garden at No 33, nor would it result in an unacceptable sense of enclosure. There is no compelling evidence before me to conclude that the proposed development would result in a loss of enjoyment of this space by its occupiers.
17. Consequently, I conclude that the proposed development, with particular regard to the first-floor rear extension, would have an acceptable effect on the living conditions of the occupants of No 33 with regard to outlook. It would accord with the relevant provisions of Policies DM01 of the London Borough of Barnet: Local Plan (Development Management Policies) DPD (2012), Policies CS NPPF, CS1 and CS5 of the Core Strategy, the SPD and the London Borough of Barnet: Sustainable Design and Construction SPD (2016). These policies, amongst other things, seek to ensure that development proposals protect the amenity of neighbouring occupiers. This is consistent with the Framework insofar as good design is concerned.

Conclusion

18. For the reasons given above, having taken account of the development plan as a whole, the approach in the National Planning Policy Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR