



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: 08 June 2022

Appeal Ref: APP/N5090/W/21/3288979

22 Bittacy Rise, Mill Hill, London NW7 2HG

- 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 M Matbouei against the decision of London Borough of Barnet.
 - The application Ref 21/4219/FUL, dated 28 July 2021, was refused by notice dated 22 September 2021.
 - The development proposed is the demolition of the existing dwelling and erection of a new two storey dwelling with rooms in the roof space and associated off street parking space and refuse and recycling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a detached bungalow. It is located on a street of residential properties that is characterised, on the whole, as being made up of two storey properties on the east side, and single storey properties on the west side where the appeal property is located. Although there is a variation in styles, notwithstanding the two-storey property at no.18, the height and scale of the built environment on this side of the road is noticeably consistent and a positive characteristic of the area.
4. The proposed development would involve the demolition of the existing bungalow and its replacement with a detached two storey dwelling. Due to the difference in height and scale with the vast majority of houses on this section of the street, the proposed development would harmfully disrupt the established and consistent rhythm in terms of building height. For the same reason, the proposed development would appear overly dominant and incongruous, needlessly drawing the eye to its presence. It would not be well integrated into its surroundings.
5. The appellant suggests that this is not an uncommon form of development in the street, yet they refer to only two examples where there is a clear and obvious disruption to the established height and scale of the buildings. Most notably is no.18 that is a two-storey dwelling sitting between two bungalows. Visually, it is clearly the exception to the rule for this section of the street and I

do not consider that it provides the necessary justification for any further erosion of the strong and establish roofline that exists. The appellant has referred to a recent planning permission¹ that granted consent for a new two storey dwelling at no.18. The Council have confirmed, however, that this is a replacement of an existing two-storey dwelling for which the eaves and the maximum height match that of the existing dwelling. Therefore, as this consent replaces an existing two-storey property of the same overall height, I give it limited weight in the appeal.

6. The other example referred to by the appellant is the bungalow at no.9 that sits between two, two-storey properties. I accept that it forms a departure from the established building height on this section of the street, however being lower than its surroundings results in it appearing less obtrusive than the inverse arrangement that is proposed. I therefore give this existing arrangement limited weight in the appeal.
7. The appellant has highlighted that there are a number of properties in the street that have living accommodation in the roof space. Of those that I observed, such roof space accommodation appears to consist of dormer windows and rooflights to existing roof spaces that have not increased the overall height of the dwelling, markedly different to the appeal proposal.
8. In support of the proposal, the appellant has referred to paragraph 120(e) of the National Planning Policy Framework (2021). This outlines how planning decisions should support opportunities to use the airspace above existing residential premises for new homes. The proposed development would not bring a net increase in homes. The Framework also outlines how planning decisions should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. Although the proposed development would not constitute an upward extension, even if this were the case, I have found that it would not be, in any event, consistent with the prevailing height of neighbouring properties and the overall street scene.
9. The appellant has also referred to similar support in The London Plan for upward extensions. Although I do not have an extract of the policy, as the appellant highlights, such an optimisation of land should focus on the need to coordinate the layout of the development with the form and scale of buildings, which I have found not to be the case with the proposed development.
10. The proposed development would therefore cause significant harm to the character and appearance of the area. It would be contrary to 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, should respect the scale, mass, height of surrounding buildings, and enhance local context by delivering buildings that positively respond to local distinctiveness through their scale with due regard to existing building types, forms and proportions.
11. The proposed development would also be contrary to guidance contained within the Residential Design Guidance Supplementary Planning Document (2016)

¹ Planning application ref 20/1103/FUL

that outlines proposals for new residential development should respond to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context. It also outlines that new development should recognise the scale, massing and roof form of surrounding buildings and reflect these where they are a positive attribute of the area's character. Where uniform building heights form a distinctive character, major variations will not normally be appropriate, in particular in the middle of a row of buildings.

Other Matters

12. The appellant has referred to extensions to the property that may be carried out under permitted development rights as a fallback position. The implications of this for the appeal proposal have not been fully explored and I do not have sufficient evidence that would confirm that extensions utilising such rights would comply with the limitations of the Order to give it significant weight in the appeal process.
13. The appellant has referred to the existing dwelling being of poor quality and not meeting current needs. Although there is limited information submitted in terms of quality, from my site visit the dwelling appeared to be in reasonable structural condition. I do not consider that the internal quality, whether poor or otherwise would justify causing the harm I have identified.
14. In terms of meeting current needs, it is not outlined in any great detail what is inferred by the statement or that the proposed development is the sole means of meeting these needs. I therefore give this limited weight.

Conclusion

15. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
16. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR