



Appeal Decision

Site visit made on 4 July 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27th July 2022

Appeal Ref: APP/N5090/D/22/3294745

24 Oakleigh Park South, Whetstone N20 9JU

- 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 Dr A & S Farooqi against the decision of the London Borough of Barnet.
 - The application Ref 21/6540/HSE, dated 14 December 2021, was refused by notice dated 14 February 2022.
 - The development proposed is described as a ground, first floor, second floor/loft conversion extensions and vehicle crossover.
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Decision

1. The appeal is allowed and planning permission is granted for a ground, first floor, second floor/loft conversion extensions and vehicle crossover in accordance with the terms of the application Ref: 21/6540/HSE, dated 14 December 2021, subject to the conditions attached as an annex to this letter.

Preliminary Matters

2. Both parties refer to a previously approved planning application¹ which consented the development of a part single, part two storey rear extension and extension of rear patio; part single, part two storey front extension and new front porch; roof extension involving rear, side and front dormer windows. This permission is still extant and contains a number of the same alterations as proposed under this appeal. The only differences between the approved scheme and the appeal scheme is that the appeal scheme contains a two storey front extension and alterations to the vehicular access. As such, the previously approved elements of this planning appeal do not require further discussion within this letter.
3. Reason for Refusal No.2 on the Council's Decision Notice relates to the impact upon trees within the front garden that were recently given a Tree Preservation Order (TPO). I note the email response from the Council's Tree Officer² who comments that there are no objections to the scheme, subject to pre-commencement conditions that the appellant has agreed to. In accordance with Paragraph 54 of the National Planning Policy Framework I consider that otherwise unacceptable development could be made acceptable through the use of conditions. As such this matter and Reason for Refusal No.2 regarding the impact upon TPO trees has been resolved.

¹ London Borough of Barnet Planning ref: 21/0104/HSE

² Email from Jonathan Mills Principal Tree Officer to Will Collier, Case Officer, Dated 08 February 2022

Main Issue

4. On the basis of the above, the main issue is the effect of the proposed front extension upon the existing building and the character and appearance of the locality.

Reasons

5. The appeal site is located along Oakleigh Park South Road, a residential road that forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to date from the early to mid-twentieth century. The local area is largely suburban and predominantly contains large detached dwellings with setbacks to front gardens with large rear gardens and gaps between dwellings. The dwellings appear to have been completed in phases with earlier arts and crafts style dwellings located towards Oakleigh Road North and the western side of Oakleigh Park South Road as it approaches Oakleigh Avenue. Whilst the dwellings share elements of large designs, their appearance and design is generally varied.
6. Over the decades Oakleigh Park South has had a number of infill developments, predominantly towards the mid and late twentieth century, but have maintained the large detached dwellings with a mixed design and character which was also evident in the earlier development. There are a variety of roof forms which range from hipped to gable with some of the more modern developments having front gable protrusions. Vegetation has a dominant influence upon the street scene where vegetated front gardens and glimpses to vegetation to the rear through gaps in between buildings reinforce the qualities which make up local character and distinctiveness. Additionally, the topography of the road is also part of the characteristics of the area with Oakleigh Park South Road having a steep gradient that falls from north to south.
7. In undertaking extensions and alterations to existing buildings, the London Borough of Barnet Local Plan Core Strategy (CS) Policies CS1 and CS5 seeks to ensure that redevelopment delivers a high quality design by respecting local context and distinctive local character. The London Borough of Barnet Development Management Policies (DMP) Policy DM01 seeks to encourage development that provides positive characteristics such as understanding context, be high quality in design, form, scale, layout and the spaces around them, amongst others. These policies are supported by the Residential Design Guidance Supplementary Planning Document (RDG) which offers guidance on specific elements of designing new schemes and alterations, taking into account context and character, amongst others.
8. The RDG suggests that front extensions will not normally be permitted because of their effect on the street scene and character of the area. Additionally, where front extensions are acceptable (for example on detached dwellings), there are a number of principles to consider such as the existing roof reflecting the roof form of the existing dwelling, fitting in with the existing architectural style, and not conflicting with existing architectural features, amongst others. The appeal building appears to date from the mid-twentieth century and contains a steeply pitched main hipped roof component with a narrow forward projecting two storey element with pitched roof. Whilst I can see the Council's point about this dwelling having similar design features to the neighbouring No.26, this dwelling does appear to be of a similar date but has a much wider

two storey forward protrusion. Whilst similar, the neighbouring dwelling reinforces a mix of dwelling types in the area, rather than for example, in some areas where the type of symmetry that is valued by having regimented design features and characteristics through an estate.

9. The proposed extension would be approximately half the width of the original dwelling, and whilst the proposal does widen the existing forward protrusion and elongate the roof form past the line of the existing hipped roof, the form and massing of the proposed extension would not be dissimilar to other large forward protrusions found in the nearby vicinity. Given the setback of the dwelling from the road, there is an ample area of setback which reduces the prominence of the forward extension so that it does not appear cramped within the plot and maintains adequate separation distance to the boundary with the neighbouring property. I acknowledge the Council's comments with regards to the front window in the gable being an uncommon feature, however this is a contemporary design element which adds interest to the variety and mix of designs that are found within the area.
10. I also appreciate that the change from hipped roof to forward gable will further depart from the similar design elements found with No.26, however as previously discussed there is not a strong group value contained with this dwelling which would mean that the proposed extension would be deemed out of character. Whilst I also appreciate that the topography causes a stepping of dwellings along Oakleigh Park South, the front extension should not affect this relationship. I also agree that the front extension would alter the appearance of the dwelling from its original appearance, however as discussed, there are no regimented design features or characteristics within this locality that the existing dwelling particularly adheres to that is worthy of retention.
11. Consequently, and in conclusion of this matter I disagree that the proposal would be overly large, as it would be subservient in scale and massing and not uncharacteristic to similar extensions found within the locality. The proposed scheme would therefore be in compliance with CS Policies CS1 and CS5, and DMP Policy DM01 which are supported by the RDG, as discussed previously.

Conclusions and Conditions

12. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed below.
13. The Council in their Officer's Report detailed that should the appeal be allowed, that specific conditions should be included which I have considered in accordance with the Planning Practice Guidance (PPG). Conditions 1 and 2 are standard conditions which set the standard time limit and approved plans which are necessary for the avoidance of doubt and in the interests of proper planning. Condition 3 allows the demolition works, but prevents the development until materials and hard surfacing is confirmed. A number of the materials for the building are already detailed on the approved plans and the application form. I note that the colour of the render has not been confirmed. Additionally, the proposed pre-commencement condition regarding trees also seeks details of hard and soft landscaping to be approved which makes much of this suggested condition a duplicate. As such I have amended the condition to reflect the outstanding matter for the approval of render which is necessary

to ensure the proposed material is appropriate to the character and appearance of the building and the locality.

14. Suggested Conditions 4 and 5 seek protection measures for the TPO tree along with details of hard and soft landscaping which are necessary in order to enable the development to be acceptable. Suggested Condition 4 is worded as a pre-commencement condition, which is noted in the appellant's Statement of Case as being acceptable and copies previous tree protection conditions as per the existing planning permission. This pre-commencement condition is necessary in order to ensure the TPO trees are protected and maintained prior to and during the works taking place. Suggested Condition 6 seeks details the obscuring of glazing to the side elevation in order to ensure no overlooking to neighbouring premises. Whilst the plans also list the windows as obscurely glazed, for the avoidance of doubt, this condition is considered necessary to avoid impacts to living conditions. Suggested Condition 7 also relates to obscure glazing of windows and has been incorporated into the previous condition.
15. Suggested Condition 8 relates to the use of the flat roof of the extension for maintenance only and not for sitting out on which is considered necessary in order to avoid impacts to living conditions of surrounding residents. Suggested Condition No.9 is a pre-commencement condition requesting the submission of a Construction Management Plan with a number of conditions. Given that the application is a householder extension, it would be quite unusual to have such a detailed request which contains a number of very onerous conditions. It is also noted that such a condition was not requested in the original planning approval. Given that this appeal would approve only a marginal increase in built form, I consider this condition disproportionate to the nature of the application and is overly onerous. The condition is therefore unreasonable and unnecessary and does not meet the test of conditions and is not included within the conditions.

J Somers
INSPECTOR

ANNEX 1: SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the approved drawings listed below:
 - 'Location & Block Plans, Drawing No.SP.01 Rev A, Dated Sept 2020;
 - 'Proposed Floor Plans, Elevations', Drawing No.P.01 Rev E, Dated Sept 2020;
- 2) The development hereby permitted shall be commenced before the expiration of three [3] years from the date of this permission.
- 3) Prior to applying render to the façade of the building, the colour and texture of the render is to be submitted for approval in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the render approved under this condition.
- 4) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall then be erected prior to the commencement of any works and maintained and remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.
- 5) Notwithstanding the approved plans and prior to the commencement of the approved scheme, full details of the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity, unless further consent from a subsequent application is given by the Local Planning Authority;
 - a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development;
 - b) The exact location of the new vehicle crossover to be determined on a plan that includes details of construction technic that will not cause harm to the group of TPO yew trees located at the front of the property.
- 6) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- 7) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 8) Prior to the occupation of the building, all side facing windows on side elevations, including side facing dormers shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- 9) The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be

converted to or used as a balcony, roof garden or similar amenity or sitting out area.