



## Appeal Decision

Site visit made on 7 June 2022

**by Katherine Robbie BA (Hons) DipTP MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 July 2022**

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**Appeal Ref: APP/N5090/W/22/3293995**

**25 Heming Road, Edgware HA8 9AB**

- 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 Qin He against the decision of London Borough of Barnet.
  - The application Ref 21/5408/HSE, dated 12 October 2021, was refused by notice dated 17 December 2021.
  - The development proposed is described as "Joint application for properties no. 23 & 25 Heming Road. Property no. 25 is a two storey rear extension and property no. 23 is a first floor rear extension"
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. At the time of my site visit I saw that development had commenced and a roof extension across the rear roof plane of both properties was under construction. I have dealt with the appeal on the basis that planning permission is sought for the extension of the properties reflected in the description of the development, and in accordance with the drawings submitted. I have determined the appeal on the basis of the drawings upon which the Council refused the application.

### Main Issues

3. The main issues are the effect of the proposed development on:
  - The character and appearance of the appeal site and the surrounding area; and
  - The living conditions of the occupiers of 21 and 27 Heming Road with regard to outlook.

### Reasons

#### *Character and Appearance*

4. The appeal properties are a pair of semi-detached two storey houses. Heming Road, on which the appeal properties are located is made up of similar properties. Although there are variations in the height and scale of the properties, they share similar design origins and characteristics.
5. Some dwellings have been extended and there are examples of flat roofed dormers, and both single and two storey extensions within the surrounding area. There is, however, a sense of homogeneity within the local area and extensions largely respect the proportions of their host property and the surrounding area.

6. The proposed development would be to the rear of the property. Nevertheless, development should respect its local context and character. The proposed materials and design features would complement the surrounding area. However, the scheme would substantially increase the scale of the property and result in a bulky addition to extensions which have previously been carried out.
7. The cumulative impact of the single storey extension to No. 25 and the first-floor extensions on both No. 23 and No. 25 and taking account of the development which has already occurred at the properties, would not be subordinate to the original dwellings. The proposal would therefore not respect the proportions of the host properties. It would result in an incongruous form of development at odds with the established characteristics of development and other dwellings within the surrounding area.
8. It would also conflict with the Council's Residential Design Guidance Supplementary Planning Document (2016) (RDGSPD) which states that extensions should be consistent with the form, scale and architectural style of the original building and should take account of the character and established form of development along the street. Furthermore, National Planning Policy Framework (the 'Framework') promotes good design and states that developments should be sympathetic to local character.
9. For those reasons, I conclude that the proposal would cause harm to the character and appearance of the area. The proposal conflicts with Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) (2012) (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) (2012) (DMP) and Policy D3 of the London Plan (2021) (LP) which, amongst other things, seek to ensure that new development is of high quality design.

#### *Living Conditions*

10. 21 Heming Road has both ground floor and first floor windows close to the boundary with No. 23. The outlook from the ground floor windows of the former is already constrained by the large single storey extension at the appeal property, the impact of which is exacerbated by the set back of the rear elevation of No. 21 from the rear building line of the appeal property. Despite the proposed staggered arrangement of the proposal, the introduction of a first-floor extension to rear of No. 23 would further compound that sense of overbearing and enclosure. The additional rearward projection at first floor height would add bulk and mass to views from the rear of No. 21 which would consequently diminish the outlook from both the ground and first floor windows closest to the appeal property.
11. The relationship of the rear elevations of Nos. 25 and 27 is more characteristic of others in the road. Despite reflecting the rearward projection of the existing ground floor extension at No. 23 the introduction of a long ground floor extension and first-floor extension to No. 25 would be an imposing feature and would introduce a long uninterrupted flank wall close to the boundary which would dominate the outlook at the rear of No. 27 to the detriment of the living conditions of its occupiers.
12. The appellant has utilised the 45° rule in an attempt to demonstrate that the proposal would not adversely impact the neighbouring properties in terms of outlook and sense of enclosure. The Council's RDGSPD does not advocate the

use of this rule and whilst the proposal may not breach this rule of thumb, it would not overcome the harm that I have otherwise described above.

13. The cumulative effect of both the ground and first floor extensions would be overbearing and therefore, cause harm to the living conditions of the occupiers of 21 and 27 Heming Road with regard to outlook. The proposal would conflict with DMP Policy DM01, LP Policy D3, the Council's Sustainable Development and Construction Supplementary Planning Document (2016) and the RDGSPD, all of which require that development should, amongst other things, provide a high quality of amenity for existing users. In failing to secure a quality of amenity for existing users the proposal would also fail to deliver high quality design which CS Policy CS5 seeks in broad terms to secure.

### **Other Matters**

14. The appellant has noted that the appeal properties are not a designated heritage asset, is not located in a Conservation Area and would not obscure important local views. These are not factors which weigh in favour of allowing the appeal and do not diminish the harm that I have found on the main issues.
15. Other two storey extensions in the locality have been noted by the appellant. However, they do not entirely reflect the design or the scale of the proposal before me. The presence of other two storey extensions in the locality does not, therefore, lead me away from my above findings.
16. Investment in the properties and improvements to the living conditions of future occupiers of the appeal properties could be considered to be benefits of the proposal and can be afforded a modest degree of weight in favour of the scheme. These benefits, however, do not outweigh the harm that the development would cause to the character and appearance of the area and the living conditions of the occupiers of 21 and 27 Heming Road.

### **Conclusion**

17. For the reasons given, I have found conflict with the development plan when read as a whole. No material considerations have been shown to be worthy of sufficient weight to warrant a decision otherwise than in accordance with it.

*Katherine Robbie*

INSPECTOR