



Appeal Decision

Site visit made on 7 July 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2022

Appeal Ref: APP/N5090/D/22/3293484

25 Horton Avenue, Cricklewood, London, NW2 2RY

- 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 Mrs Khaleda Khatun against the decision of the London Borough of Barnet Council.
 - The application Ref 21/5416/HSE dated 11 October 2021, was refused by notice dated 8 December 2021.
 - The development proposed is part single part two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issues

3. The main issues are the impact of the proposal upon i) the character and appearance of the host dwelling, terraced row and surrounding area and ii) the residential amenity of neighbouring occupiers with regard to, loss of light and outlook, visual intrusion and overbearingness.

Reasons

Character and appearance

4. The appeal site is a two-storey, end of terrace, dwelling in a predominantly residential area. There is slatted fencing to the rear boundary and a right of way/alleyway (to the side) which leads to a community area to the rear of the appeal site which means that it is highly visible from the public realm. The character of the area is mainly two storey dwellings. During my site visit I could see that there are examples of where buildings in the vicinity have been extended but there are limited first floor extensions. The appellant has evidenced other examples of extensions within their submission. The Council's delegated report for the appeal proposal confirms that there are few first floor rear extensions in situ which is consistent with the assessment for the appeal proposal before me with regard to the row of terraces of which the appeal site forms part of.
5. I note from the submitted drawings, and the site history, that a single storey ground and part first floor rear extension has previously been allowed at appeal under reference APP/N5090/D/18/3216803. The approved scheme has been

highlighted blue on drawing no. P-25 HA-03 (OCT 21). By comparison to that which has been previously approved the appeal scheme before me seeks to extend the two storey element of the rear extension up to the shared boundary with no. 27 Horton Avenue (no. 27) to create a full width extension. It would have a depth of 2.5m from the rear elevation for this additional element and would result in two hipped roofs over both elements of the first floor extension.

6. As outlined above there are examples of where buildings have been extended in the immediate vicinity, including within the same row of terraces as the appeal site but there are limited examples of first floor extensions in situ; however, character and appearance are separate matters. Appearance is the outward, visible qualities whereas character is the sum of all the qualities which distinguish an area. The proposed full width, two storey, extension would dominate the rear of the property which is in a highly visible location and would thus impact upon the appearance of the host property, the row of terraced dwellings and the immediate area around the appeal site.
7. My main concern is that I find that the roof design would result in the proposal appearing very bulky, visually busy and out of scale as a result of presenting as two separate and awkward roof forms, with three roof peaks, in a visually prominent location. Whilst there is a single example of a similar roof form at 46 Galsworthy Road (which is not in such a visually prominent location), there are no further examples of two hipped roofs of this nature which could result in such roof form being considered consistent with the character or appearance of the area. I find that picture one, in the appellant's submissions, demonstrates an extension of this nature dominates the rear of the host dwelling. Even within the context of other extensions in the immediate area I find that the proposed design before me would be materially harmful to the character and appearance of the host building, the terraced row and immediate area when viewed from the community space to the rear.
8. The proposal would be contrary to Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS) Policy CS5 which seeks to ensure that development respects local context and Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP) Policy DM01 which states that development proposals should be based on an understanding of local characteristics. Proposals should respect the appearance of surrounding buildings and I find the proposal would be a visual contrast.
9. The proposal would be inconsistent with guidance within the Residential Design Guidance Supplementary Planning Document 2016 (SPD) which notes that proposed extensions should be consistent with the host building, not be overly dominant and sit comfortably with the main building and neighbouring houses. The SPD guidance also acknowledges that the position of the house can increase the visual effect of the extension in the street scene.

Neighbouring Residential Amenity

10. As previously noted, in comparison to that which has been previously approved the appeal scheme before me seeks to extend the two storey element of the rear extension up to the shared boundary with no. 27 Horton Avenue (no. 27) with a depth of 2.5m from the rear elevation for this revised element. The Council's report confirms that the already approved appeal scheme was found to have acceptable impact on the amenity of no. 27.

11. The proposed two storey element would no longer be set back from the shared boundary as a result of the revised proposed. The lack of setback proposed for the two storey element would fail to maintain a reasonable space between the rear elevations of the appeal site and the adjoining building. No. 27 does not benefit from a rear extension, there is a patio to the rear of this property and there is a window at first floor level which would be adjacent to the proposal. I do not find the proposal would result in a loss of outlook for neighbouring occupiers from the nearest first floor window given that it serves the stairs, is not a principal window and would comply with the 45 degree code with regard to the nearest bedroom window.
12. Despite this I find that the proposal would result in loss of light/cause overshadowing from the sun setting to the West for users of the patio area at no. 27. This would also result in the proposal resulting in a sense of enclosure as well as being visually obtrusive and overbearing from within the rear amenity space of the neighbouring property. I find this would result in a materially harmful impact upon the residential amenity of neighbouring occupiers with regard to loss of light and overbearingness.
13. The proposal would therefore be contrary to CS Policy CS5 which seeks to protect and enhance the gardens of residential properties and DMP Policy DM01 which requires development proposals to allow for adequate daylight and sunlight for adjoining occupiers and users. Furthermore, the proposal would be contrary to guidance contained within the SPD which seeks to ensure extensions do not result in harmful loss of light, or sense of enclosure or overbearing impact on adjoining properties.

Other Matters

14. The appellant's statement and grounds of appeal is heavily based upon other applications rather than demonstrating the acceptability of the proposal against the Local Plan and relevant supporting guidance. Documentation for a number of these example applications have been submitted with this appeal¹. There are further examples highlighted on a map within Annex G which includes two examples of Westcroft Way.
15. The scheme at 23 Horton Avenue (21/1584/PHN) determined in 2021 is a materially different scheme as it was a wraparound extension which does not result in a full width two storey rear extension being immediately adjacent to the boundary of the neighbouring dwelling. This is demonstrated by the flat roof labelled within the proposed first floor plan. It also does not result in a design which presents as two roof structures as with the proposal before me.
16. The Council's report notes a similar scheme in (46) Galsworthy Road; however this was granted approval in 2010 (F/01980/10). The decision for that scheme (and that of 17 Horton Avenue) both therefore predate the CS, DMP the SPD. Additionally, the proposal at 17 Horton Avenue incorporated a shallow hipped roof and, from the first floor floorplan, demonstrates that the first floor was not a full width extension with the stated dimensions being 2.9m x 3.6m.
17. The schemes at both 31 Horton Avenue and 2 Horton Avenue (2014) both predate the SPD. The scheme at 31 Horton Avenue (F/02195/14) was for a two storey side extension, not a rear extension as is before me and I note from

¹ 23 Horton Avenue, 46 Galsworthy Road, 50 Galsworthy Road, 17 Horton Avenue, 31 Horton Avenue and 2 Horton Avenue

my site visit it has a loft conversion/dormer not a full width first floor extension – part of which was considered to be permitted development with regard to the dormer. For 2 Horton Avenue (F/02195/14) I only have the floor plans before me and it would appear that the first floor element was, again, not full width.

18. 50 Galsworthy Road (18/3899/HSE) could not be seen from the street which reduced potential impact upon appearance. In addition, whilst I note some similarities in roof design, the proposal was not for a full width two storey extension as is the case with the proposal before me. The proposal did not, overall, present as dominant to the host building given the host roof form remained prominent. The schemes referred to in Galsworthy Road are a short distance from the appeal site and would not be viewed in the same context as the appeal site.
19. Whilst the above examples are noted it should be kept in mind that with the starting point for determination is the Local Plan in accordance with S38(6) of Planning and Compulsory Purchase Act 2004. For the reasons above I find that the examples given either predate the relevant guidance and policy against which I am to determine the proposal or they demonstrate material differences which limits the comparisons which can be drawn and the weight which can be attributed to such schemes. I have considered the scheme before me on its own merits against the Local Plan documents as required.

Conclusion

20. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR