



Appeal Decision

Site visit made on 19 July 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2022

Appeal Ref: APP/N5090/W/21/3288581

27 Sheaveshill Avenue, Colindale, London NW9 6SD

- 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 Kawan Roger Consultants against the decision of London Borough of Barnet.
 - The application Ref 20/4877/RCU, dated 12 October 2021, was refused by notice dated 28 October 2021.
 - The development is the retention of 2no self-contained flats. Part single, part two storey side and rear extensions. Conversion of existing garage into habitable room, insertion of window to replace garage door and creation of new porch. Roof extension involving rear dormer window and side dormer with 2no front facing rooflight. Subdivision of rear amenity space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted retrospectively, and I saw during my site visit that the property had been subdivided into two flats and that the extensions had been constructed. The appellant also confirmed within the application form that that work was completed on 20 April 2020. I have therefore considered the appeal on a retrospective basis.
3. The development outlined in the banner heading above has been taken from the appeal form rather than the application form as it provides a more accurate description of the proposed development shown on the submitted plans. An email from the appellant sent on 15 February 2022 also confirms that the appellant is Kawan Roger Consultants.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the host dwelling and the surrounding area,
 - the effect of the development on the living conditions of the occupiers of the neighbouring dwellings, in relation to outlook and privacy, and
 - whether the development provides satisfactory living conditions for its occupiers, with reference to ceiling heights.

Reasons

Character and Appearance

5. The appeal property is a two-storey semi-detached dwelling, with a loft conversion providing additional rooms in the roof and extensions to the rear and side. The dwelling has been converted into two flats. Flat 1 which is a 3 bedroom, 4 person dwelling over two floors and Flat 2 which is a 1 bedroom, 2 person dwelling over three floors. The surrounding area is residential in nature made up of pairs of semi-detached dwellings which are similar in scale and design, giving a uniform appearance to the streetscene which has a positive impact on the character and appearance of the area.
6. The development includes a porch which provides a front door to serve flat 1, a front door to serve flat 2 and an additional entrance providing direct access to the garden. This excessive number of entrances on the front elevation of the porch results in a cluttered appearance on the front elevation of the property, which is highly prominent and not in keeping with the original dwelling or others within the streetscene.
7. The appeal property is located at the end of a row of semi-detached properties. Therefore, due to its location and two-storey height, the first floor side extension is a highly prominent addition within the streetscene. The Residential Design Guidance Supplementary Planning Document (the RDG) 2016 states that first floor side extensions should normally be set back 1 metre from the front main wall of the existing house and set down at least 0.5 metres from the ridge of the main roof. The first floor side extension is level with the front elevation and matches the height of the main roof, contrary to this guidance.
8. The lack of a set back or set down give the first floor side extension a dominant appearance which would not be a subordinate addition to the host property. The overall property appears significantly larger and bulkier than others within Sheaveshill Avenue, contrary to the uniform nature of the built development within this area.
9. The RDG also states that flat roofs on two storey rear extensions are not normally acceptable because they do not relate sympathetically to the house. The first floor rear extension has a flat roof, contrary to this guidance and at odds with the existing hipped roof of the main dwelling. The unsympathetically styled flat roof, along with the significant size of the extension, result in an overly bulky and prominent feature to the rear of the property which appears as a dominant and awkwardly placed addition to the host dwelling. Side views of this rear extension are also visible within the streetscene, detracting from the character and appearance of the area.
10. Due to the location of the appeal property, the dormer on the side elevation is a highly visible addition within the streetscene. The RDG states that dormer roof extensions should not occupy more than half the width or half the depth of the roof slope. Whilst the Council indicate the proposal would not accord with this guidance, the dormer sits comfortably within the roof slope and is set back sufficiently from the eaves to prevent a gabbling effect. It therefore appears as a subordinate addition to the host property and does not have a harmful impact on the streetscene.

11. The Council raise no objection to the other parts of the development not discussed above, in relation to the impact on the character and appearance of the area, and I find no reason to conclude otherwise.
12. However, as the first floor side extension and first floor rear extension along with the additional front entrances harm the character and appearance of the host dwelling and the surrounding area, the development conflicts with Policy D3 of The London Plan (the LP) 2021, Policy DM01 of Barnet's Local Plan Development Management Policies (the DMP) 2012 and Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (the CS) 2012. These policies collectively seek to ensure new development represents high quality design and creates a quality environment which enhances local context by delivering buildings that positively respond to local distinctiveness. The proposal is also contrary to the aspects of the RDG outlined above.

Living Conditions – Neighbouring Occupiers

13. The ground floor rear extension is a significant depth from the original rear elevation of the host dwelling. It is also located directly on the shared boundary with the adjoining property, 29 Sheaveshill Avenue. Due to its depth and proximity to this shared boundary, along with the relatively narrow nature of the rear garden at No.29, the presence of the ground floor rear extension results in a significant sense of enclosure to the occupiers of the neighbouring dwelling when using their rear garden.
14. The first floor window on the side elevation of the appeal property and the side dormer window both face the rear elevations and rear gardens of the neighbouring properties at 2 and 4 Colin Park Road. However, both these windows serve the stairs and landing area within Flat 2. As they do not serve a habitable room, these windows could be obscure glazed to prevent any overlooking into these neighbouring properties. This could be secured by condition and therefore would not result in any loss of privacy to the occupiers of these neighbouring dwellings.
15. The Council raise no objection to the other parts of the development, in relation to the impact on the living conditions of the occupiers of neighbouring dwellings, and I find no reason to conclude otherwise.
16. However, as the ground floor rear extension harms the living conditions of the neighbouring occupiers at 29 Sheaveshill Avenue, the development conflicts with Policy D3 of the LP and Policy DM01 of the DMP. These policies collectively seek to ensure development delivers appropriate outlook for adjoining occupiers and users.
17. The development is also contrary to the RDG which states that single storey rear extensions need to ensure that the depth of the extensions does not cause a significant sense of enclosure. Policy CS5 of the CS is not relevant to this main issue as it relates to the character and appearance of the area.

Ceiling Heights

18. The Council have indicated that the ceiling height for the loft space within Flat 2 is 2.23 metres, which covers 54% of the internal area of this flat. These figures have not been contested by the appellant. Policy D6 of the LP and the London Mayor's Housing Supplementary Planning Guidance 2016 states that the minimum floor to ceiling height must be 2.5 metres for at least 75% of the

Gross Internal Area of each dwelling. The Housing Supplementary Planning Guidance (the HSPG) 2016 and the Sustainable Design and Construction Supplementary Planning Document (the SDC) 2016 also strongly encourages a minimum ceiling height of 2.5 metres. The development does not meet this requirement. However, during my site visit I saw that the ceiling height in the loft was sufficient for use as a bedroom and bathroom, provided ample headroom and did not result in poor living conditions for the occupiers.

19. Consequently, whilst the proposal would not comply with Policy D6 of the LP, the HSPG or the SDC as stated above, the development does provide satisfactory living conditions for its occupiers, in terms of ceiling heights. The development complies with the RDG which states that new homes should be capable of providing a good quality living environment. Policy CS5 of the CS and Policies DM01 and DM02 of the DMP are not relevant to this main issue as these relate to the character and appearance of the area and other development standards.

Other Matters

20. It is noted that, in their appeal statement, the appellant indicates that they wish to make alterations to the design of the development in order to meet planning regulations. However, no further details or amended drawings have been submitted and the appeal process should not be used to evolve a scheme. Therefore, I have considered the appeal on the plans and information submitted.

Conclusion

21. Whilst the development provides satisfactory living conditions for its occupiers, this is a neutral factor and does not outweigh the harm to the character and appearance of the surrounding area and the living conditions of neighbouring occupiers. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR