



Appeal Decision

Site visit made on 7TH July 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17TH August 2022

Appeal Ref: APP/N5090/D/22/3298894

23 Pennine Drive, Cricklewood, London, NW2 1NX

- 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 A Ahmed against the decision of the London Borough of Barnet Council.
 - The application Ref 22/0529/HSE dated 1 February 2022, was refused by notice dated 8 April 2022.
 - The development proposed is part single, part two storey rear extension, including 1no Juliette balcony. Part single, part two story side extension with hipped roof. Roof extension including rear dormer window, and 1 no Juliette balcony. 2no front rooflights. (Retrospective application)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A second appeal has been submitted for a scheme on the same site (APP/N5090/D/22/3298893) which carries the same development description. The only difference between the two proposals is the proposed roof design of the first floor side extension. Whilst site visits were undertaken for the appeals on the same day each case has been considered on its own merits and they are the subject of separate decisions.
3. The application is part retrospective. At the time of my site visit a substantial amount of the proposed building works had been completed with the exception of, externally, the roof on the side extension and the windows.

Main Issue

4. The main issue is the impact of the proposal upon the character and appearance of the host property, street scene and the wider area.

Reasons

5. The appeal site is a semi-detached house which stands in a corner plot off Pennine drive at its junction with Cumbrian Gardens. The original property consisted of a two storey semi-detached dwelling with a hipped roof. The dwelling, prior to the current works which have been undertaken, had not previously been extended but the Council acknowledge an existing ground floor side and rear extension within their delegated report. The appeal site is within a predominantly residential area. Photographic examples of other extensions in the area are noted within pages 15 – 16 of the appellant's statement and I note, from my site visit, that there are examples of dwellings within the locality

having undergone extension. Extensions are, therefore, characteristic of the area but I would note that there are no examples of host buildings being subject to extensions that are comparable to the combined extensions which form the proposal before me. It should be kept in mind that appearance is the outward, visible qualities whereas character is the sum of all the qualities which distinguish an area.

6. The site has extensive planning history which is outlined in both parties submissions with the appellant having submitted details of four applications¹. Each of these previous applications were assessed in isolation/against the relevant criteria within the General Permitted Development Order (GDPO) and would not have considered the cumulative impact of the proposals which are now before me collectively as a combined scheme.
7. The appellant's submission confirms that the extensions, built together, have not followed the permissions granted due to being built as one combined development. This renders the previous approvals and certification void and they cannot be considered to be a fallback position as they do not meet the real prospect test in these circumstances. It falls to consider the appeal proposal before me against the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, as it is now submitted, as one combined development.
8. The National Planning Policy Framework 2021 (the Framework) does not alter the status of the Local Plan and I have no evidence before me which suggests the Local Plan should be considered as out of date with regards to the policies which should be applicable to this proposal. The Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
9. I note that 20/0982/PHN confirmed that prior approval was not required for a 6.0m single storey rear extension, however, this was considered within the criteria of the GDPO which is narrower in terms of criteria and assessment and not the Local Plan. The assessment was based solely on that rear extension and in isolation it met the relevant criteria. In isolation the side extension would be less than half the width of the host building and would be subservient when viewed from the front elevation but the rearward extensions would fail to comply with the guidance set out within the Residential Design Guidance Supplementary Planning Document 2016 (SPD) against which they need to be considered as the relevant design guidance. The gable added to the roof design in this case adds further overall massing.
10. The side extension approved in 19/4512/HSE was considered not to create significant massing and dominance but it was considered alongside a 3.7m single storey rear extension (the latter considered acceptable, despite exceeding initial guidance contained within the SPD due to matching the neighbouring rear extension). The proposal before me now extends to 6.0m which is now combined with a similarly previously approved two storey side

¹ 19/4374/192 (Certificate of lawful use or development - single Storey rear extension. Roof extension involving hip to Gable, rear dormer window with Juliette balcony and 3 no front facing roof lights)
19/4512/HSE (Part single, part 2 Storey rear extension, including 1no. Juliet balcony. Two storey side extension. Roof extension, including rear dormer window, and 1 no. roof light to front roof slope (amended))
19/6413/HSE (Single storey side/rear extension)
20/0982/PHN (single Storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.0 metres and maximum height of 3.10 metres)

extension I find that cumulative massing of the combined ground floor elements of the extensions and the side extension are an insubordinate and disproportionate addition which is to the detriment of the character and appearance of the existing dwelling. They are not in scale with the property or in keeping with the character of the property within the wider street scene regardless of a lack of impact upon neighbouring residential amenity.

11. Considered in isolation first floor rear extension would have appeared as a proportionate addition to the dwelling house given that it is a subordinate addition. It would have an acceptable impact on the street scene, character and appearance of the host property and first floor extensions are a common characteristic of the surrounding area. The first floor rear extension is broadly consistent with the dimensions approved under planning reference number 19/4512/HSE. This was considered proportionate in the context of the proposals which were part of that application. Despite this, when considered cumulatively as part of the overall proposals now before me the first floor addition and first floor rear extension contributes to the incongruous, unsympathetic and boxy design that is to the detriment of the overall appearance of the host property and street scene.
12. Approval for a loft conversion was approved under a certificate of lawfulness application under reference 19/4373/192. As previously stated the works have all been completed under a single building operation which renders the previous approvals as void. The rear dormer roof extension conflicts with guidance within the SPD but there are a large number of dormers in the vicinity. In isolation the dormer may have been considered acceptable but, overall, with the rest of the scheme, it contributes to an overall busy and unbalanced affect to the host building as a semi-detached dwelling.
13. The site is in a highly visible location which results in the overall proposal having a materially harmful impact upon the character and appearance of the street scene and the wider area. I do not find that the proposals have been completed to a high standard nor that they complement the host building and its setting. The appellant's submissions acknowledge that not all elements of the proposal strictly meet the criteria recommended for house extensions under SPD guidance. The SPD is just that, guidance, but I do not find the proposal presents any good design merits which would justify a departure from that guidance on this occasion given that the overarching objective of the SPD is to secure high quality design solutions which can add to and complement the existing suburban character.
14. I acknowledge that varying elements of the appeal proposal before me have either been approved or been granted a certificate of lawfulness as outlined within this decision. As outlined, however, these would have been considered in isolation and not as a combined development and in some cases they would have been assessed within the scope of the GDPO and not against the Local Plan. The proposed extensions have been built as one combined development, effectively cherry picking certain elements, which voids the relevant planning history. Cumulatively they cause unacceptable impact adding too much to the host building.
15. Assessing the proposal against the relevant policies within the Local Plan; and taking into account relevant material considerations including the SPD I find that the proposal results in an incongruous and unsympathetic design as a

result of cumulative bulk and massing. The proposal would fail to be proportionate, or subordinate, to the host building and whilst some examples extensions are characteristic of the area I do not find that the cumulative collection of extensions proposed are a characteristic of the area. The proposal is in a highly prominent area visually which contributes to a detrimental impact on the appearance of the host property, and wider area, which warrants refusal.

16. The proposal would be contrary to Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS) Policy CS1 which seeks the highest standards of urban design and CS Policy CS5 which seeks to ensure that development respects local context. The proposal would also conflict with 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 also respect the appearance of surrounding buildings and I find the proposal would be a visual contrast within the local area.
17. The proposal would also be inconsistent with London Plan 2021 policy which confirms development proposals should enhance local context by delivering buildings but positively respond to local distinctiveness through their scale, appearance and shape, with due regard to existing building types, forms and proportions. Whilst the London Plan is noted to encourage best use of land, this is not to the detriment of good design.
18. The proposal would be inconsistent with guidance within the 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 as is the case for this site which is highly visible and prominent.
19. The proposal would be contrary to paragraph 130 of the Framework which confirms that development should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate effective landscaping and be sympathetic to local character and history.
20. Paragraph 134 of the framework highlights that development that is not well designed should be refused. The proposal fails to comply with supplementary planning documents, in this case a design guide, which in accordance with the framework should be given significant weight.

Other Matters

21. I note the appellant's inclusion of details for application 19/1524/HSE (10 and 12 Pennine Drive) which was approved in May 2019. This proposal was for a first floor rear extension (on each dwelling) only. The existing properties in question benefitted from single storey rear extensions and roof extensions involving hip to gable and rear dormers but the proposals were not combined with a two storey side extension which, in this case, I find to be a material difference. With the appeal proposal for me it is the cumulative impact of the existing and proposed extensions which I find to cause unacceptable impact.

22. A letter of support is noted; however, a lack of objection is a neutral consideration. There are no refusal reasons based upon residential amenity so this is not a main issue, however, this does not overcome the harm to the character and appearance of the area, and host building, which I have outlined and upon which refusal is based.

Conclusion

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

Eleni Randle

INSPECTOR