



Appeal Decisions

Site visit made on 23 August 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2020

Appeal A Ref: APP/N5090/D/22/3298183

32 Rowsley Avenue, Hendon, London, NW4 1AJ

- 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 Mallerton Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/1431/HSE, dated 16 March 2021, was refused by notice dated 11 February 2022.
 - The development proposed is 'Proposed merging of the single storey rear extension with crown roof and rear patio. Erection of single storey side extension. Retention of front extension facilitating a front porch and canopy'.
-

Appeal B Ref: APP/N5090/D/22/3298186

32 Rowsley Avenue, Hendon, London, NW4 1AJ

- 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 Mallerton Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/1049/HSE, dated 25 February 2021, was refused by notice dated 11 February 2022.
 - The development proposed is 'Proposed merging of the single storey rear extension with crown roof and rear patio. Erection of single storey side and first floor rear extension. Retention of front extension facilitating a front porch and canopy.'
-

Decisions

Appeal A Ref: APP/N5090/D/22/3298183

1. The appeal is allowed and planning permission is granted for proposed merging of the single storey rear extension with crown roof and rear patio. Erection of single storey side extension. Retention of front extension facilitating a front porch and canopy at 32 Rowsley Avenue, Hendon, London, NW4 1AJ in accordance with the terms of the application, Ref 21/1431/HSE, dated 16 March 2021, subject to the conditions in the attached Schedule.

Appeal B Ref: APP/N5090/D/22/3298186

2. The appeal is allowed and planning permission is granted for proposed merging of the single storey rear extension with crown roof and rear patio. Erection of single storey side and first floor rear extension. Retention of front extension facilitating a front porch and canopy at 32 Rowsley Avenue, Hendon, London,

NW4 1AJ in accordance with the terms of the application, Ref 21/1049/HSE, dated 25 February 2021, subject to the conditions in the attached Schedule.

Procedural Matters

3. I have used the Council's description of development in the above banner headings as they accurately and concisely describe the proposed developments.
4. As set out above, there are two appeals on the same site. I have considered each on its individual merits, but as they raise similar issues, I have combined these cases in a single decision letter.

Background

5. Both proposals under Appeal A and Appeal B involve the proposed merging of the single storey rear extension with crown roof and rear patio, the erection of a single storey side extension and the retention of front extension facilitating a front porch and canopy.' Appeal B also includes a first floor rear extension. The main parties confirm that the front porch extension, first floor rear extension (Appeal B), single storey side extension and rear patio are in effect, as previously approved under LPA ref. 19/5234/HSE. The Council has raised no objection to these aspects of the proposals.
6. Both applications were refused for the same reason relating solely to the proposed crown roof over the ground floor extensions.

Main Issue

7. The main issue in respect of both Appeal A and Appeal B is the effect of the proposed crown roof on the living conditions of the occupiers of 30 Rowsley Avenue, with particular reference to outlook.

Reasons

8. The appeal property is a two storey semi-detached dwelling. It adjoins 30 Rowsley Avenue to the south and shares a boundary with 34 Rowsley Avenue to the north.
9. Two 6 metre deep rear extensions have been partially constructed to the rear of the property, one of which is on the boundary with No 30. Both extensions are of a flat roof design, with a height of 3 metres. These extensions were approved under LPA ref. 18/6698/PNH.
10. The appeal proposals involve filling the gap of about 0.5m between the two extensions. A similar proposal to infill the extensions was approved under application ref. 20/5924/HSE. The infilling of the narrow space between the two extensions would, in my view, improve the appearance of the rear extensions in relation to the host property and have no material effect on the character and appearance of the area.
11. The proposed crown roof would have a maximum height of about 3.53 metres to the ridge. However, the eaves height of the extensions would remain at 3 metres and the crown roof would slope up away from the boundary of the site. I acknowledge that there are windows and other glazed openings on the rear elevation of No 30 which are close to the boundary with the appeal site. The crown roof would extend over the full 6m depth of the extension. However,

given that the crown roof would slope away from the boundary I consider that even when considering its depth, it would not have any significant additional harmful effect on the living conditions of the occupiers of No 30 in terms of outlook or overbearing sense of enclosure.

12. I have also been referred to a planning permission for a single storey rear extension of 3 metres in depth under LPA ref. 18/6973/HSE and subsequently 19/5234/HSE. This approved extension was similarly shown to be sited on the boundary with No 30 with a flat roof of approximately 3.65m in height. Whilst not as deep as the extensions that have been constructed, this approved extension with a height of 3.65m directly along the boundary would be likely to have a more overbearing effect on the rear rooms and the garden immediately to the rear of No 30 than the appeal proposal. I reach this conclusion as the appeal proposal would have a lower eaves height of 3 metres and a crown roof of no greater height overall which would slope away from the boundary thus lessening its impact.
13. The proposed extension closest to 34 Rowsley Avenue would not extend a significant distance beyond its rear elevation and I am therefore satisfied that the appeal proposal would not result in any significant harm to the living conditions of the occupiers of that dwelling. I am also satisfied that the proposal would not have any material effect on the living conditions or visual amenities of other neighbouring occupiers.
14. I consider that the proposed merging of the extensions with a crown roof and finished in matching materials would represent a visual improvement which would enable the extensions to harmonise more satisfactorily with the host dwelling and to be more in keeping with the wider area, as encouraged by the Residential Design Guide Supplementary Planning Document (2016) (SPD).
15. I therefore conclude on the main issue in relation to Appeal A and Appeal B, that the proposed crown roof would not have a significant harmful effect on the living conditions of the occupiers of 30 Rowsley Avenue, with particular reference to outlook. Thus, the proposals comply with Policy D6 of the London Plan 2021; Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) and the SPD. Amongst other matters, these policies and guidance collectively seek to ensure that development allows for adequate amenity for adjoining and potential occupiers and users.

Other Matters

16. With regard to third party representations relating to the Council's decision making and other procedural matters prior to determining the applications, these matters are not within the remit of this appeal. I also note comments regarding the Council's previous refusal of application ref. 20/2488/HSE for an identical proposal. However, notwithstanding the planning history of the site, I have determined the appeals on their own merits. I also consider that the submitted drawings are clear and accurate in relation to the appeal proposals.

Conditions

17. I have had regard to the Council's list of suggested conditions as set out in the reports to Committee. In respect of both Appeal A and Appeal B, the approved

plans condition is imposed for clarity. I have imposed a condition requiring the development to be constructed with matching materials in the interests of the visual amenity of the area. To protect the living conditions of occupiers of neighbouring properties it is necessary to include conditions controlling the future use of the roof of the extension and to prevent the insertion of side facing windows.

Conclusion

18. For the reasons given above, I conclude that both Appeal A and Appeal B should be allowed.

J Davis

INSPECTOR

Schedule of conditions - Appeal A Ref: APP/N5090/D/22/3298183

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed drawings - 032RO-A-01-001; 032RO-A-01-002; 032RO-A-02-101; 032RO-A-02-102; 032RO-A-03-101; 032RO-A-03-102; 032RO-A-03-103; 032RO-A-03-104; 032RO-A-05-101; 032RO-A-05-102; 032RO-A-06-101; 032RO-A-06-102; 032RO-A-06-103; and 032RO-A-06-104.
- 3) The materials to be used in the external surfaces of the buildings shall match those used in the existing building.
- 4) 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.
- 5) Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the extension hereby approved, facing Nos 30 and 34 Rowsley Avenue.

Schedule of conditions - Appeal B Ref: APP/N5090/D/22/3298186

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed drawings - 032RO-A-01-001; 032RO-A-01-002; 032RO-A-02-101; 032RO-A-02-102; 032RO-A-

03-101; 032RO-A-03-102; 032RO-A-03-103; 032RO-A-03-104; 032RO-A-05-101; 032RO-A-05-102; 032RO-A-06-101; 032RO-A-06-102; 032RO-A-06-103; and 032RO-A-06-104.

- 3) The materials to be used in the external surfaces of the buildings shall match those used in the existing building.
- 4) 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.
- 5) Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the extension hereby approved, facing Nos 30 and 34 Rowsley Avenue.