



Appeal Decision

Site visit made on 23 August 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2022

Appeal Ref: APP/N5090/D/22/3295369

110 Sunny Gardens Road, Hendon, London, NW4 1RY

- 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 Ari Sufrin against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/6038/HSE, dated 20 September 2021, was refused by notice dated 11 February 2022.
 - The development proposed is New front porch. Single storey front extension following conversion of garage. Alterations to ridge height and infilling of existing rear extension and the creation of a side extension.
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Decision

1. The appeal is allowed and planning permission is granted for New front porch. Single storey front extension following conversion of garage. Alteration to ridge height and infilling of existing rear extension and the creation of a side extension at 110 Sunny Gardens Road, Hendon, London, NW4 1RY in accordance with the terms of the application, Ref 21/6038/HSE, dated 20 September 2021, subject to the following conditions:
 - 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: 01B; 01; 02; 03; 04 Rev A; 08 Rev A; 06 Rev B; 10 Rev A; 11 Rev A: and 12 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted 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) Before the side extension hereby permitted is first occupied the proposed windows in the first floor side elevation facing 112 Sunny Gardens Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fan light opening.
 - 6) 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 first floor side elevation of the extension hereby approved, facing No 112 Sunny Gardens Road.

- 7) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan within the Arboricultural Impact Assessment Method Statement & Tree Protection Plan (to BS:5837 2012) For 110 Sunny Gardens Road, Barnett NW4 1SA (produced by Trevor Heaps Arboricultural Consultancy Ltd; dated 24th April 2020; Ref: TH 2349) has been erection around existing trees on site.

This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved.

Application for costs

2. An application for costs was made by Mr Ari Sufrin against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Procedural Matter

3. I have dealt with another appeal (ref. APP/N5090/D/22/3295365) on this site. That appeal is the subject of a separate decision.

Main Issues

4. The main issues are:
- The effect of the proposal on the character and appearance of the host dwelling and the surrounding area; and
 - The effect of the proposal on the living conditions of the occupiers of 112 Sunny Gardens Road, with particular reference to outlook and light.

Reasons

Character and appearance

5. The appeal property is a detached two storey dwelling that is currently undergoing significant extension and renovation. It is located in a residential area that comprises of mainly detached and semi-detached dwellings of a generally similar design and appearance.
6. The dwelling already benefits from planning permission for a new front porch, single storey front extension following conversion of the garage and alterations to ridge height and infilling of existing rear of the ground floor rear extensions under LPA ref. 20/1162/HSE. Planning permission has also been granted for a two storey side extension under LPA ref. 20/4723/HSE. The Council's concerns are in relation to the proposed first floor side extension which would be larger than the consented side extension.

7. The proposed first floor extension would have a width of about 2.9 metres and would extend up to the side boundary with 112 Sunny Gardens Road. No 112 is a two storey dwelling with a large roof extension and a single storey extension on the side adjacent to the appeal site. Due to its siting at a bend in the road, No 112 is set at an angle to the boundary with the appeal site. At its closest point (i.e. the rear corner of the dwelling) a distance of about 2.5 metres would be retained between the proposed side extension and the main two storey flank wall of No 112. Due to the tapered siting of No 112 in relation to the boundary with the appeal property, when viewed from the front of the site the distance to the boundary is much greater. At a point level with the front elevation of the extension there would be a separation distance of around 4 metres between the flank elevation of the proposed extension and the two-storey flank wall of No 112.
8. The Council's Residential Design Guidance Supplementary Planning Document (2016) (SPD) advises that in order to reduce the visual impact of two storey or first floor side extensions, there should normally be a minimum gap of 2 metres between flank walls of properties at first floor level (i.e. a minimum gap of 1m between the boundary and the extension at first floor level for most two storey extensions).
9. Whilst the side wall of the extension would extend to the boundary of the site, a distance of between about 2.5m and 4m would be retained between the side elevation of the extension and the two storey flank wall of No 112. I am therefore satisfied that a suitable gap that reflects the spatial characteristics of the area would be retained and that the proposal would not lead to an unacceptable 'terracing effect'. The front and rear elevation of the extension would also be stepped back from the main front and rear elevations of the host dwelling. This, combined with the lower ridge height, would ensure that the side extension would be subservient in appearance to the host dwelling as required by the SPD.
10. The existing property has already been significantly extended, particularly at ground floor level. However, the proposed side extension would not significantly add to the bulk and mass of the dwelling. Furthermore, it would only be slightly larger than the first floor side extension already approved which I accept is a realistic fall-back position. I am therefore satisfied that the proposal would not be harmful to the character and appearance of the host dwelling.
11. Furthermore, I also acknowledge that the appeal property is set within a plot which is much larger than those that are characteristic of the area. Whilst the proposed and approved extensions in combination would result in a very large dwelling, I nonetheless consider that it would continue to sit comfortably within its plot. The proposed extensions would be constructed in materials to match the existing and would not have any materially harmful effect on the character and appearance of the wider area.
12. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the host dwelling and the surrounding area. It would comply with Policies CS1 and CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS), Policy DM01 of the Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (LP DPD) and the aims and objectives of the SPD. These policies and

guidance seek to ensure that, amongst other matters, new development is of a high quality design that respects the appearance, scale, height and mass of surrounding buildings and respects local context and distinctive local character.

Living conditions

13. As stated above, 112 Sunny Gardens Road is sited at an angle to the boundary with the appeal property. The proposed first floor side extension would be slightly deeper and wider than the extension approved under LPA ref. 20/4723/HSE.
14. There a single storey extension to the side of No 112. To the rear of that extension is a garage alongside the boundary with the appeal property which in my opinion would dominate the outlook from any windows on the rear elevation of the extension. I therefore consider that the proposed side extension would have little material impact on the outlook from any windows on this extension or significantly effect levels of light received.
15. Furthermore, the proposed extension would not extend a significant distance beyond the main two storey rear wall of No 112. Given that there would be a minimum separation distance of 2.5m, I am satisfied that the proposal would not materially harm the outlook from windows on the rear elevation of No 112. For the same reasons, I am satisfied that the proposal would not lead to any material loss of light.
16. I therefore find that the proposal would not have a harmful effect on the living conditions of the occupiers of 112 Sunny Gardens Road with particular reference to outlook and light. Thus, I find it complies with Policies CS1 and CS5 of the CS, Policy DM01 of the LP DPD, Policy D6 of the London Plan (2021) and guidance contained within the SPD which, amongst other matters, collectively seek to ensure that development allows for adequate amenity for adjoining and potential occupiers and users.

Other Matters

17. I acknowledge the third party representations regarding the single storey extensions to the rear of the property. However, these extensions are existing and I concur with the Council that the infill extensions and crown roof would not result in any further material harm to neighbouring residents. Moreover, the Council has already granted planning permission for the proposed infill extensions and crown roof which, once implemented, will significantly improve the visual appearance of the extensions. Whilst I appreciate the frustrations of the neighbouring occupier, in my view it would be unreasonable to impose a 1 year implementation condition as suggested.

Conditions

18. I have had regard to the Council's suggested conditions which I have amended slightly as necessary.
19. In addition to the standard implementation condition, the approved plans condition is imposed for certainty. A condition requiring the use of matching materials is necessary to protect the character and appearance of the dwelling and the local 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, to secure obscure glazing and to prevent the insertion of

side facing windows. However, this is only in relation to 112 Sunny Gardens Road as the first floor extension does not have a side elevation facing No 108. In the interests of the visual amenity of the area I have imposed condition requiring tree protection, as suggested by the Council.

Conclusion

20. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Davis

INSPECTOR