
Appeal Decision

Site visit made on 16 August 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/N5090/D/22/3302054

14 Hillcrest Gardens, Finchley, London N3 3EY

- 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 and Mrs Ramin Foulad against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/1285/HSE, dated 8 March 2022, was refused by notice dated 6 May 2022.
 - The development proposed is for the erection of a single storey rear extension, first floor rear/side extension and extension of roof to side and rear to a crown design to include two side dormers and a rear dormer.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension, first floor rear/side extension and extension of roof to side and rear to a crown design to include two side dormers and a rear dormer at 14 Hillcrest Gardens, Finchley, London N3 3EY 60 in accordance with the terms of the application, Ref 22/1285/HSE, dated 8 March 2022, 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: BBA 889-P01; BBA 889-P02; BBA 889-P03; BBA 889-P04; BBA 889-P05; BBA 889-P06; BBA 889-P07 and BBA 889-P08.
 - 3) The materials to be used in the construction of the external surfaces of the roof extension and dormers hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The appeal scheme includes a single storey rear extension which has been erected and proposed alterations to the host property. For this reason the Council's description of development has been adopted and the drafting of this decision reflects the differences in the status of each element of the proposal.

Main Issues

3. It is considered that the main issues are the effects of the appeal scheme on (a) the character and appearance of the host property and the surrounding area and (b) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

4. The appeal property is a detached dwelling located within a primarily residential area. A Certificate of Lawful Development has been approved by the Council for a 7 to 8 metre deep single storey addition from the original staggered rear elevation of the property (Ref 16/8105/PNH). The details of this addition have been provided with the eaves' height stated to be circa 2.5 metres above the ground level adjacent to the shared boundaries with 12 and 16 Hillcrest Gardens and a ridge height of about 3.8 metres. The potential to erect a full width rear extension pursuant to the Certificate of Lawful Development, albeit of a staggered depth, is a legitimate fallback position and is, as such, a material consideration which is given significant weight in the determination of this appeal.
5. The appeal scheme includes a full width single storey rear extension with a raised patio area and circa 1 metre wide pedestrian access routes adjacent to the property's shared boundaries. Unlike the approved addition, the extension does not have a staggered rear elevation. The Council has not raised any specific concerns associated with the first floor side and rear extension and there are no reasons to disagree with this assessment.
6. The Council's Supplementary Planning Document *Residential Design Guide* (RDG) refers to residential extensions not looking too bulky and prominent compared to the size of the main building and garden to which they relate. However, the RDG is guidance and cannot anticipate all the circumstances associated with a proposal, including a potential fallback position whereby a potentially deeper single storey addition could be erected. This is of relevance in circumstances where the RDG seeks to limit single storey rear extensions to a depth of no greater than 4 metres.
7. Alterations have occurred to the rear of other dwellings within the surrounding area, including No. 16, albeit these are not of the scale of the development at the property. However, because of the size of the garden, the depth of the extension does not physically or visually represent an overdevelopment of the property's plot which might otherwise result in a cramped form of development. Although it is visible from neighbouring gardens, the depth, scale and bulk of the extension, including the raised patio, is not materially greater than what could be erected as the fallback scheme.
8. There would potentially be a difference in the height of the extension and the approved addition dependent upon where the ground level is measured. However, in the absence of specific evidence, the observations made during the site visit did not indicate that there would be a material difference between the extension and the approved scheme. For both schemes there would be a similar effect on the character and appearance of the host property and the surrounding open and verdant character of the neighbouring rear gardens.
9. The principle of a crown roof is not the subject of an objection from the Council because, as observed during the site visit, there are already such roof types within the surrounding area.
10. The Council's reasons for refusal specifically refers to the proposed side dormers. In addition to general guidance concerning roof extensions, the RDG

includes some guidance on side dormers whereby they should be set away from the ridge and clear of the hips. This element of the appeal scheme would accord with this guidance and also other aspects of the RDG, including being subordinate in scale to the roof and proportionate in width to the existing opening.

11. From viewpoints adjacent to the junction of Hillcrest Gardens and Parklands Drive the cheeks of the proposed side dormers would be visible. However, these views are limited in extent from the surrounding area because of the screening effects of other roofs and, for one of the side dormers, the retained chimneys. The use of external hanging tiles to match the roof would assist with assimilating the proposed side dormers into the roofscape and this could be secured by condition if the appeal succeeds.
12. Within the surrounding area there are examples of side dormers and, in combination with the limited views available, this element of the appeal scheme would not be a prominent nor incongruous form of development which would detract from the character and appearance of the surrounding residential area.
13. On this issue, it is concluded that the appeal scheme would not cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would not conflict with Policy D3 of the London Plan, Policy CS5 of Barnet's Local Plan (Core Strategy) (CS) and Policy DM01 of Barnet's Local Plan (Development Management Policies) (DMP). Amongst other matters, these policies refer to development representing high quality design which respects local context and distinctive character by having an understanding of local characteristics and proposals at least preserving local character and respecting the appearance, scale and pattern of surrounding buildings. CS Policy CS1 is a strategic statement of intent rather than a development management policy

Living Conditions

14. The Council's claims about actual or perceived overlooking and loss of privacy for the occupiers of Nos. 12 and 16 are associated with the raised patio and the proposed side dormers. However, the outlook from the proposed side dormer windows would be towards the roofs of the neighbouring properties rather than directly into any side facing windows and there would be only oblique views towards the rear gardens. There would be no unacceptable harm associated with actual or perceived loss of privacy to the occupiers of neighbouring properties associated with the outlook from the proposed side dormer windows.
15. Within urban areas some degree of overlooking of rear gardens will inevitably occur. Indeed, there are views from the side facing windows within the rear addition of No. 16 into the garden of the property. Views to and from No. 12 towards the property are substantially screened by existing vegetation within the garden of this neighbouring dwelling.
16. From the openings within the rear elevation of the extension the outlook is predominantly towards the property's rear garden. There is an outlook from the raised patio adjacent to the shared boundaries towards the rear garden of No. 16 and, to a much lesser extent because of the vegetation, the amenity area of No. 12. The patio area itself is limited in depth and is not conducive to,

for example, having a table with seating which would prolong the potential for overlooking of the neighbouring properties.

17. Further, the wider views of the neighbouring rear gardens are from the edges of the patio rather than the main area adjacent to the doors within the extension's rear elevation. The extension itself screens views towards the rear elevations of Nos 12 and 16. For these reasons, there is no unacceptable harm associated with actual or perceived loss of privacy to the occupiers of neighbouring properties associated with the patio and the extension.
18. The side elevation of the extension is sited adjacent to the shared boundaries with the neighbouring properties. However, the depth of the extension adjacent to the boundary with No. 16 is less than the approved scheme. The extension is a similar depth as the approved addition adjacent to the shared boundary with No. 12. There would not be a material difference between the extension and the approved extension which would justify this element of the appeal scheme causing the appeal to fail on grounds of it being an overbearing form of development.
19. For the reasons given, it is concluded that the appeal scheme would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring properties and, as such, it would not conflict with CS Policy CS5, DMP Policy DM01 and the RDG which, amongst other matters, refer to development not having a demonstrably harmful impact on residential amenity.

Other Matters

20. Local residents have raised concerns associated with car parking but no objection was raised by the Council and, based upon the observations made during the site visit, there are no reasons to disagree with this assessment. There may be some impacts associated with the construction of the roof alterations but they would only be temporary in duration.

Conditions

21. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to ensure that the appeal scheme is erected in accordance with the submitted drawings. A condition is also necessary to ensure that the external materials of all the alterations to the roof should match those of the host property to assist with the visual assimilation of the enlarged property into the streetscene. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR