



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/W/22/3296448

14-16 Park View Gardens, Hendon, London NW4 2PN

- 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 Josh Tenenblat against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/0211/FUL, dated 14 January 2022, was refused by notice dated 14 March 2022.
 - The development proposed is the erection of first floor rear roof terrace with railings at No. 14 and No. 16 Park View Gardens and the replacement of an existing first floor extension flat roof with a new pitched roof at No. 16.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor rear roof terrace with railings at No. 14 and No. 16 Park View Gardens and the replacement of an existing first floor extension flat roof with a new pitched roof at No. 16 at 14-16 Park View Gardens, Hendon, London NW4 2PN in accordance with the terms of the application, Ref 22/0211/FUL, dated 14 January 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: 4D-189B E 00; 4D-189B E 01; 4D-189B E 02; 4D-189B E 03; 4D-189B E 04; 4D-189B E 05; 4D-189B E 06; 4D-189B E 07; 4D-189B E 08; 4D-189B P 01; 4D-189B P 02; 4D-189B P 03; 4D-189B P 04; 4D-189B P 05; 4D-189B P 06; 4D-189B P 07 and 4D-189B P 08.
 - 3) The materials to be used in the construction of the external walls and pitched roof of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to the first use of the proposed development the privacy screen identified on Drawing Nos. 4D-189B P 03 and 4D-189B P 04 shall be erected and shall be retained thereafter.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the host properties and the surrounding area.

Reasons

3. The appeal properties comprise a pair of 2-storey semi-detached dwelling located within a primarily residential area. The rear curtilages of the properties share their boundaries with a public park. From the park there are views towards the rear elevations of the properties and other dwellings fronting Park View Gardens. A number of these dwellings have been altered by the erection of rear and roof extensions of varying sizes and designs which have altered their original form and appearance. There is no longer any consistency to the rhythm, form, design, character and appearance of the rear elevations of these dwellings.
4. At the rear of the properties each has a 2-storey addition projecting into the garden area and single storey extensions which infill the gap between these additions. The proposed development includes the erection of roof terraces with balconies above the single storey extensions. No specific objection has been raised by the Council to the alteration of the 2-storey addition's roof form to the rear of 16 Park View Gardens and there are no reasons to depart from the Council's assessment. However, the external materials should match those of the host property to assist with the visual assimilation of this element of the appeal scheme. This could be secured by condition if the appeal succeeds.
5. The appellant claims that the proposed terraces would provide additional amenity space for the occupiers of the properties the need for which has been heightened because of Covid-19. However, the size of the gardens and the ease of access from the properties to the park means that the claimed benefit of additional amenity space at first floor level does attract only limited weight in the determination of this appeal.
6. As identified by the Council, whether viewed from the rear gardens of the properties or the park, there are no obvious examples of first floor terraces at the rear of other dwellings. However, in the determination of this appeal, the specific circumstances of the properties have been assessed. If this appeal succeeds, because the proposed development is being assessed on its own planning circumstances, an unwelcome precedent would not be established for other terraces to be erected.
7. In this case, the proposed terraces would be located above existing extensions and would be physically and visually contained by the host properties and their 2-storey additions. Although railings would be erected to the rear of the proposed terraces, from the park and neighbouring gardens the appeal scheme would be viewed against the context of these altered properties. Accordingly, and including by reason of the railing's height and materials, the siting and design of the appeal scheme would not be particularly conspicuous, visually prominent nor noticeable addition to this pair of semi-detached dwellings.
8. It is acknowledged that there are no other terraces of a similar design, siting and form as the proposed development. However, for the reasons explained, the appeal scheme would not be an incongruous form of development which would be visually detrimental to the character and appearance of either the altered host properties or the dwellings fronting Park View Gardens. Public views would be filtered by existing vegetation adjacent to the shared boundary with the park.

9. Accordingly, it is concluded that proposed development would not cause unacceptable harm to the character and appearance of the host properties 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). Amongst other matters, these policies refer to development representing high quality design which respects local context and proposals at least preserving local character and respecting the appearance and pattern of surrounding buildings. CS Policy CS1 is a strategic statement of intent rather than a development management policy.

Other Matters

10. The Council's Supplementary Planning Document *Residential Design Guide* (RDG) does not include guidance opposing balconies because of their impact on matters related to character and appearance of a host dwelling or the surrounding area. Instead, the RDG is concerned with issues related to overlooking of neighbouring properties and loss of privacy. A privacy screen is proposed to be erected between the terraces of each property which would be necessary to ensure the privacy of the occupiers of the properties and could be secured by a condition.

Conditions

11. 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. As already identified, conditions are necessary to secure the erection of the proposed privacy screen and the use of external matching materials where appropriate.
12. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR