



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/22/3296341
60 Hervey Close, Finchley, London N3 2HJ

- 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 Build Aid Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/6321/HSE, dated 2 December 2021, was refused by notice dated 28 March 2022.
 - The development proposed is the erection of a first floor side and part single, part two storey rear extensions with 1 No. skylight to flat roof of single storey extension and associated alterations and extension to roof including 1 No. front facing and 1 No. rear facing rooflights and side, front and rear windows and new porch.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor side and part single, part two storey rear extensions with 1 No. skylight to flat roof of single storey extension and associated alterations and extension to roof including 1 No. front facing and 1 No. rear facing rooflights and side, front and rear windows and new porch at 60 Hervey Close, Finchley, London N3 2HJ in accordance with the terms of the application, Ref 21/6321/HSE, dated 2 December 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: KK-06 Rev A; KK-09 Rev A – Rev 1; KK-07B Rev B4 and KK08-B5 Rev A- Rev 5.
 - 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.

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 property and the surrounding area.

Reasons

3. The appeal property is a 2-storey end of terrace dwelling which is situated at the junction of Hervey Close and Claignmar Gardens. The property has already been altered with the erection of the external fabric of a roof extension, a hip

to gable roof extension and the construction of the foundations of a full width rear extension. These alterations are being erected pursuant to prior approval or Certificate of Lawful Development applications (Refs 20/5614/192 and 21/0789/192). These approvals represent a legitimate fallback position for the appellant and, as such, they are given significant weight in the determination of this appeal.

4. The proposed development includes further physical alterations to the property rather than a potential change of use away from a dwelling house. Such changes of use would need to be the subject of a separate application rather than being part of this appeal scheme.
5. The proposed development includes a 2-storey side/rear extension with accommodation within the roofspace, albeit part of this element would be above an existing single storey side addition. The proposed extension would be sited away from the shared boundary with Claigmar Gardens, would be less than half the width of the host property, at first floor would be set back from the host property's front elevation and would possess a lower ridge height than the property's main roof. This design approach echoes the guidance in the Council's Supplementary Planning Document *Residential Design Guide* (RDG)
6. At the front of the property there would be a pitched roof which would extend above an enlarged porch. These elements of the appeal scheme would be visible from the adjacent roads but would not detract from the spacious character and appearance of the streetscene and the surrounding residential area.
7. A single storey rear extension is proposed between the proposed side/rear extension and the shared boundary with 62 Hervey Close. The depth of the proposed extension's rear projection would be less than the rear addition which could be, and has in part been, erected. This more modest sale of rear extension would respect the size of the host property, including as altered by the partially erected rear roof dormer.
8. When the approved and proposed alterations are assessed in combination they would represent a significant addition to the property. However, because the property is located at a road junction it would not represent an over-development of this larger than average plot, even taking into account the partial erection of an outbuilding within the rear garden. The character and appearance of the spacious streetscenes along Hervey Close and Claigmar Gardens would be preserved by the enlarged property.
9. It was noted during the site visit that other near-by dwellings have been extended, including rear extensions, hip to gable roof alterations and roof dormers. Within the surrounding area some dwellings sited on corner plots have been altered, including by the erection of 2-storey side extensions. These were observed at 39 Oakfield Road and 1 Cadogan Gardens. However, the detailed planning histories of these other dwellings have not been provided. The appeal scheme has, therefore, been assessed on its own planning circumstances. These other schemes are only material insofar as they demonstrate dwellings within the surrounding area, including those sited on corner plots, have been altered. Further, altered dwellings do, however, contribute to the character and appearance of the surrounding residential area.

10. Accordingly, and taking into account the fallback position, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it not would 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) and the RDG. 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.

Other Matters

11. Local residents have raised a number of matters and some of these have already been addressed, including establishing an unwelcome precedent, claims about overdevelopment of the plot and the potential for the property to be subdivided into small units of residential accommodation. I was also able to view the progress and status of the ongoing alterations during the site visit.
12. The assessment of the Council is that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and the safety of other highway users by reason of inadequate on-street parking. From the observations made during the morning site visit, there are no reasons to depart from the Council's assessment on these matters.

Conditions

13. 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 the appeal scheme should match those of the host property to assist with the visual assimilation of the enlarged property into the streetscene and surrounding residential area.

Conclusion

14. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR