

Appeal Decision

Site visit made on 11 November 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2022

Appeal Ref: APP/N5090/D/22/3304115

33 Elmfield Road, London, N2 8EB

- 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 & Mrs Paul Kellam against the decision of the Council of the London Borough of Barnet .
 - The application Ref 22/2791/HSE, dated 25 May 2022, was refused by notice dated 4 July 2022.
 - The development proposed is a ground floor rear extension and infill extension to facilitate larger kitchen/dining space.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area; and secondly, the effect of the proposed extension on the living conditions of the occupiers of 31 Elmfield Road with respect to visual impact, outlook and light.

Reasons

3. The appeal dwelling is a mid-terraced, pre-war house with a two-storey rear outrigger and a single storey projection beyond. At the time of my site visit an extension infilling part of the side return was approaching completion. It is understood that this development was granted planning permission by the Council after the submission of the appeal before me. It does not affect my determination of the appeal which I have considered on its own merits.
 4. The appeal proposal would infill the entire length of the side return to align with the rear wall of the single storey rear projection which extends some 4.13m from the two storey outrigger. Although the appellant states that this is an original part of the dwelling it is noticeably deeper than the single storey rear projection at No 31 and the bricks and mortar appear from the evidence not to match those in the two storey part of the outrigger. The proposed roof would be flat over the rear projection but would reduce to an eaves height of 2m on the boundary with No 31. Overall, the side return infill would be some 7.45m deep,
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more than twice the length of the two storey outrigger. This would result in a significant wrap-around addition.

5. The proposed rear elevation would appear bland and would, in particular, result in the loss of the original L-shaped pattern of development which is characteristic of the host dwelling and its neighbours. This, together with the overall depth of the extension and the proposed flat roof, would result in an incongruous and bulky addition that would materially detract from the original character and appearance of the dwelling.
6. Although there is a similar extension at the adjoining end terrace dwelling, No 35, and the appellants refer to other similar extensions in the street, about which I have limited evidence, these examples do not justify allowing a poorly designed extension at the appeal dwelling. The Government places significant emphasis on good design, as set out in the National Planning Policy Framework (NPPF), and makes clear that developments should be visually attractive as a result of good architecture and layout and should be sympathetic to local character. The NPPF goes on to state that permission should be refused for development of poor design.
7. It is concluded on the first main issue that the proposed extension would have a materially detrimental effect on the character and appearance of the host dwelling and the surrounding area. In consequence, it would conflict with Policies D3 and HC1 of the London Plan (LP) (2021), Policy CS5 of the Barnet Core Strategy (CS), 2012, and Policy DM01 of the Barnet Development Management Policies DPD (DMP), 2012. Taken together, these expect development to be well designed such that it preserves or enhances local character, responds positively to local distinctiveness through, amongst other things, appropriate layout, appearance and shape and respects the scale, mass and pattern of surrounding buildings. There would also be conflict with the NPPF.
8. Turning to the living conditions of neighbours at No 31, this dwelling has a small single storey, lean-to addition about 2m deep beyond the two storey outrigger. The proposed infill would thus extend some 2m beyond the end of this dwelling, making it clearly visible from the garden facing window in the single storey addition and would result in built development up to the shared boundary for a depth of some 7.45m from the habitable room window in the back of the side return. The pitched roof of the infill would also be directly visible opposite a side facing window and glazed door in the outrigger of No 31.
9. The depth and proximity of the proposed extension would result in a material degree of visual intrusion for occupiers of No 31. The room at the rear of the side return which already has limited outlook would experience a further loss as a result of a tunnelling effect caused by the depth and proximity of the proposed extension and the narrowness of the side return. Moreover, the proximity of the proposed development to the side facing openings and in the view from the ground floor garden facing window would lead to a sense of enclosure and an overbearing effect.
10. The low eaves height at the boundary would minimise the intrusion but the loss of openness beyond and above the shared boundary due to the steeply sloping

roof of the infill, extending for a depth of some 7.45m, would nevertheless result in a materially detrimental effect on outlook from No 31.

11. Turning to light, No 31 lies south-west of the appeal dwelling and its rear elevation faces south-east. The proposed extension would therefore have no material effect on the level of sunlight reaching No 31 and, owing to the pitch of the roof sloping away from the shared boundary, I am satisfied that there would be no material loss of daylight to habitable rooms.
12. It is concluded on the second main issue that although there would be no material loss of light to No 31, the proposed extension would have a significant visual impact, including a harmful effect on outlook. This would be materially detrimental to the living conditions of occupiers at 31 Elmfield Road and would conflict with Policies D3 and D6 of the LP, Policies DM01 and DM02 of the DMP, the NPPF and the Council's Supplementary Planning Document: Residential Design Guidance, 2016. Taken together, these expect new development to provide, amongst other things, a high standard of amenity for existing and future users through high quality design which allows for adequate outlook for adjoining occupiers.
13. For the reasons set out above and having regard to all other matters raised, including the representation of a neighbouring third party, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR