



Appeal Decision

Site visit made on 4 November 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal Ref: APP/N5090/D/22/3302501

76 Sunnyfield, Mill Hill, Barnet, London NW7 4RG

- 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 Adrian Buinoschi against the decision of Barnet London Borough Council.
 - The application Ref: 22/1069/HSE dated 28 February 2022, was refused by notice dated 25 April 2022.
 - The application is for proposed part single, part two storey side and rear extensions including conversion of the existing garage and new front porch. First floor bay window extension and creation of new side openings. Roof extension involving rear dormer window and 1no. front facing rooflight. New front gable window. Removal of chimneys.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the Council's decision notice and differs from that used on the Appellant's original application. In Part E of the appeal form it is stated that the description of development is the same as that used by the Council and as such I have used this description accordingly which I feel accurately represents the scope of the proposals.

Main Issues

3. The main issue is the impact of the proposal upon character and appearance of the area and the living conditions of neighbours.

Reasons

4. The appeal property is a relatively modest detached suburban house within this area of similarly designed properties. The house consists of a simple, well proportioned front gable elevation with ground floor bay and what appear to be UPVC windows possibly harking back to the style of older Crittal type windows that may have been present here. The rear element of the house forms a slight 'T' shape with a small porch to the ground floor and single storey flat roof garage to the side adjoining number 74 Sunnyfield. The rear element of the garage runs someway into the rear garden.

5. The property sits at the bottom of the hill upon which Sunnyfield runs before the road rises up again. To the front the property has a small front garden and a more generous rear garden with outbuilding at the foot of the garden. The rear the garden is relatively well shielded from neighbouring properties.
6. The proposals before me seek permission to fairly extensively increase the size of the existing property through a ground floor rear extension, first floor side extension and loft conversion with new first floor bay window to the front and glazed gable to the rear protruding first floor gable extension overlooking the garden. The proposal would maintain the appearance of the existing ridge height through the provision of an area of flat roof to the top of the property.

Effect of the proposals upon the character and appearance of the area.

7. In assessing this appeal I give great weight to the Council's Supplementary Planning Document Residential Design Guidance (SDG) that seeks to ensure extensions are subservient and sensitive to both the host property and the character and appearance of the local area. Whilst I do not consider it possible to prescribe such guidance to every scheme I do consider that the fundamentals of such guidance in terms of good design responses that are in general subservient should be followed.
8. For the most part the proposal does attempt to minimise its impact upon the wider area through its contextual forms and through the fact that most of the extension would be confined to the rear with the exception of the first floor side extension and new bay window and loss of chimneys.
9. Despite this, there are some fundamental elements of the proposed design that undermine the current simplicity and quality that the property currently exhibits. For instance, the loss of the existing chimneys would result in something of an erosion of the special character of the area and although the existing front gable would maintain its overall form, the proposed rear extensions would result in a flat roof element that would introduce a contrived architectural element into the area that would not be contextual and would not represent a subservient or responsive design solution.
10. As a result the proposed extensions, although largely contextual and responsive, would introduce incongruous elements that would cause a level of harm upon the character and appearance of the area through their overdominance and contrived design elements that would cause harm to the simplicity of the existing house and upon the overall character of the area.
11. As such the proposal would be contrary to Policies DM01 of the Development Management Policies Development Plan Document (DPD), Policy CS5 of the Local Plan Core Strategy and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (SDG).

Effect of the proposal upon the living conditions of neighbours.

12. Similarly, although the proposed rear extensions only slightly exceed the depth guidance within the SDG, they do so significantly, especially when compared against the cumulative impact of both the ground floor and roof extensions. As a result, when taken as a whole, the proposal would develop this site to a high degree and through the necessity to introduce such contrived forms as the flat roof area, the proposal would ultimately constitute an overdevelopment of the site and an overly dominant series of extensions.

13. In assessing the impact of the proposal upon the living conditions of neighbours, I notice that the property is located to the north of its neighbour at number 78. Number 78 sits at a slightly lower level and contains a rear extension that appears to contain habitable rooms here. The Council have concerns that the proposed extension would dominate and enclose this property and that the gable window would introduce an element of harmful overlooking over this neighbour.
14. In terms of overdominance, I once again consider that the guidance within the SDG is applicable here and although I consider that a 'one size fits all' approach should not necessarily be taken in all cases, I do consider that these guidelines are present for a reason and have an important role to play in protecting both the character and appearance of the area as well as the living conditions of neighbours.
15. In the case before me I consider that the encroachment of the proposed extensions beyond these guidelines should be taken seriously and although I find little perceivable harm in the slightly substandard distance between properties of 1.9m, I do consider that this compounded by the further rearward encroachment does have the potential to harm the living conditions of neighbours.
16. As such, although the appeal property would be towards the north of number 78, on balance, I consider that there is the possibility of the proposed extensions, principally through them exceeding the guidance within the SDG, would cause a level of harmful over dominance towards the living conditions of neighbours.
17. With regards the impact of overlooking, I consider that the proposed side windows would be largely secondary and that they would not represent any direct level of overlooking that would have an impact upon the living conditions of neighbours. In terms of the gable stair window, similarly I consider that this would be well shielded from any other rooms within the neighbours and in any case could be obscured by condition should it be necessary.
18. In assessing this appeal, although I find no harm to the living conditions of neighbours through overlooking, I do consider that by exceeding the guidance within the SDG the proposed extensions would have the potential to cause a noticeable adverse impact upon the neighbours. As such the proposal would be contrary to Policies D3 and D6 of The London Plan as well as Policies DM01 and DM02 of the Development Management Policies DPD and Residential Design Guidance SPG.

Conclusion

19. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR

