



Appeal Decision

Site visit made on 12 October 2022

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/N5090/W/22/3302160

59 Court Way, Colindale, Barnet, London NW9 6JG

- 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 Lexy Kerai against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/2287/FUL, dated 28 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is a single-storey side extension to provide a 2-person self-contained dwelling unit.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey side extension to provide a 2-person self-contained dwelling unit at 59 Court Way, Colindale, Barnet, London NW9 6JG in accordance with the terms of the application, Ref 22/2287/FUL, dated 28 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

12 Rev A – Plans and Elevations as Proposed

2736-01 – Location Plan
 - 3) The materials to be used in the external surfaces of the development hereby approved shall match those used in the existing building.
 - 4) The roof of the development hereby approved shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
 - 5) Before the development hereby permitted is first occupied, details of cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition prior to the dwelling's first occupation and retained as such thereafter.
 - 6) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers, together

with a satisfactory point of collection, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition prior to the dwelling's first occupation and retained as such thereafter.

Main Issues

2. The main issues are the effect of the proposed development on:
 - i) The character and appearance of the area;
 - ii) The living conditions of existing and future occupiers, with particular regard to provision of outdoor amenity space; and
 - iii) The living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Character and Appearance

3. The appeal site is a semi-detached house in a predominantly residential area. It occupies a prominent corner location and is bound by roads and footpaths to the front and side. Beyond the road to the side is an area of communal open space with trees and vegetation that is surrounded by dwellings. The open space slopes upwards away from the appeal site, offering elevated views of the appeal site from within the open space and the dwellings around its perimeter.
4. The existing dwelling features a 2-storey side extension that sits flush with the original front elevation. The adjoining dwelling features a dormer window extension to the side roof slope. Together, these later additions serve to erode much of the symmetry of this semi-detached pair. Many of the dwellings in the immediate area have also been subject to extensions and alterations that contribute to the varied character of the area.
5. The single storey extension would be constructed close to the boundary with the highway, would have a pitched roof and modest areas of flat roofs. It would be set back from the front elevation of the host property and would be subservient in scale and design to it.
6. Whilst the proposed development would effectively create a short terrace of 3 dwellings, the resulting appearance would visually be similar to a pair of semi-detached houses with side extensions, which are a feature of the streetscene. The visual clues to the existence of a separate unit would be limited to features such as a separate entrance, boundary features and paraphernalia such as refuse storage. However, this would be unlikely to be materially different to the existing situation, other than the additional refuse bins that the new dwelling would have. Such items could be stored within the rear garden, rather than to the front of property, and a suitably worded planning condition could be imposed securing this. Moreover, the residential use of the proposal would be compatible with the surrounding residential area.
7. For the above reasons, I find that the proposal would respect the character and appearance of the area and would be in accordance with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012) (the 'LPCS'), Policies DM01 of Barnet's Local Plan (Development

Management Policies) Development Plan Document (September 2012) (the 'LPDMP'), and Policy D3 of The London Plan (2021) (the 'LP2021'), which seek to consolidate housing in well located areas, ensure developments respect local character and represent high quality design. There would also be accordance with the Barnet Local Plan Supplementary Planning Document: Residential Design Guidance (October 2016) (the 'RDGSPD') and the Barnet Local Plan Supplementary Planning Document: Sustainable Design and Construction (October 2016) (the 'SDCSPD'), which has similar aims.

8. The Council has referred me to Paragraph 2.8.1 of the LPDMP, which addresses considerations relating to the conversion of existing dwellings into flats. However, this proposal would not involve the conversion of the existing dwelling into flats. Instead, it would involve extending the existing property and splitting the site to effectively form a separate house with its own front and rear gardens within the current boundaries of the appeal property. Units would co-exist alongside each other as houses, rather than above or below each other as flats. As such, I do not find this paragraph to be fully relevant to the proposed development.

Living Conditions: Existing and Future Occupiers

9. The proposed development would effectively split the rear garden of the existing dwelling to provide private garden areas for both properties. The garden area retained for the existing dwelling would be notably reduced in comparison to the current situation, where it benefits from a large corner plot. I note reference to Table 2.3 of the SDCSPD, and the measurements cited by the Council. Whilst I have given this appropriate weight, the existing dwelling would retain a reasonable amount of usable private external space suitable to meet the needs of occupiers. Furthermore, due to the scale and position of the proposed development, the living conditions of existing and future occupiers using the garden areas would not be adversely affected through loss of privacy or outlook.

Living Conditions: Neighbouring Occupiers

10. The proposed development would provide a separate unit of accommodation, and in doing so it is reasonable to expect the number of occupiers in the immediate area to increase. However, the level of intensification would be limited by the development's scale. The proposed details indicate the dwelling would be unlikely to be occupied by more than 2 people, and I find this to be a reasonable assumption. As such, based on the limited increase in the likely number of residents, I do not find the proposals would result in adverse effects to the living conditions of neighbouring occupiers through noise and disturbance.

Conclusion on Living Conditions

11. For the above reasons, I find the proposed development would have an acceptable effect on the living conditions of existing, future and neighbouring occupiers and would accord with Policy CS5 of the LPCS, Policies DM01 and DM02 of the LPDMP, as well as the RDGSPD and the SDCSPD. Together, these policies and guidance seek to respect local context, to protect the living conditions of adjoining and potential occupiers, to comply with relevant national and London-wide standards, and to demonstrate environmental considerations.

Conditions

12. In addition to standard conditions relating to the statutory time limit and a list of approved plans for the purposes of certainty, the Council has suggested conditions requiring external materials to match those of the existing building, a restriction on the use of the roof of the development, implementation of cycle parking, and the submission of details prior to occupation for refuse and recycling provision. I agree that the suggested conditions are necessary for reasons of character and appearance, protecting the living conditions of neighbouring occupiers, sustainable travel and accessibility, and find them to accord with the relevant tests outlined in Paragraph 56 of the National Planning Policy Framework. I have made some alterations to the suggested wording in the interests of precision.

Conclusion

13. Taking all above matters into account, I conclude that the proposal accords with the development plan taken as a whole and the appeal should be allowed subject to conditions.

P Storey

INSPECTOR