The Planning Inspectorate

Appeal Decision

Site visit made on 18 October 2022

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 DECEMBER 2022

Appeal Ref: APP/N5090/D/22/3303970
Birchwood, Barnet Lane, Totteridge, Barnet, London N20 8AP

- 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 Milan Koya against the decision of the Council of the London Borough of Barnet.
- The application Ref 22/0672/HSE, dated 10 February 2022, was refused by notice dated 9 May 2022.
- The development proposed is the alteration and extension of the property including the removal of south-facing bay window and its replacement with an open-loggia, a two-storey rear extension and a single-storey rear extension as terrace room and utility, the remodelling of the hipped rear roof slopes as 3 x gables with associated dormers to side slopes, a ridge skylight, a single-storey plain clay tiled entrance porch, and a decked extension to existing terrace.

Decision

1. The appeal is allowed and planning permission is granted for the alteration and extension of the property including the removal of south-facing bay window and its replacement with an open-loggia, a two-storey rear extension and a single-storey rear extension as terrace room and utility, the remodelling of the hipped rear roof slopes as 3 x gables with associated dormers to side slopes, a ridge skylight, a single-storey/plain clay tiled entrance porch, and a decked extension to terrace, at Birchwood, Barnet Lane, Totteridge, Barnet, London N20 8AP, in accordance with the terms of the application, Ref 22/0672/HSE, dated 10 February 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has requested that I consider a Preliminary Ecological Assessment and Detailed Bat Survey, dated 1st September 2022, which was submitted with the appeal. A copy of this report was sent to the Local Planning Authority (LPA) on 5th October 2022, inviting comments within 10 working days. No further comments have been received from the LPA on this matter. I am satisfied that my consideration of this document would not prejudice any party.

Main Issues

3. The main issues are the effect of the proposed development on i) the character and appearance of the area, including the Totteridge Conservation Area (TCA) and ii) protected species, namely bats.

Reasons

Character and appearance

4. The site is located within the Totteridge Conservation Area (TCA). There is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

5. I have not been provided with a Conservation Area Appraisal and neither the Council's decision notice or report set out what is considered to be the significance of the TCA, or how that would be harmed by the proposed extension and alteration of this modern dwelling. However, I observed on my visit, that there is no visual connectivity or relationship, historically or otherwise, between Birchwood and the surrounding properties.

6. The appeal site comprises a substantial plot of land, occupied by a large, detached house and a detached double garage, which were constructed approximately 20 years ago. The dwelling and garage are constructed in yellow brickwork and have plain clay rooftiles. There are two, two-storey gable projections to the front of the dwelling, which are partially rendered and have a mock Tudor finish. A small, enclosed entrance porch, with a balcony above, sits between these two front gable projections. The remainder of the dwelling lacks any architectural interest. The dwelling is set well back from the road on lower ground. To the rear of the dwelling, the garden slopes more steeply downhill. The site is bound by high walls, gates, fences and mature landscaping.

7. The neighbouring dwelling, Searle's Field, was constructed at around the same time as Birchwood. Whilst not identical, it is of a similar scale and form to Birchwood. Other properties along Barnet Lane vary considerably in terms of age, design, scale and materials. The main characteristic of the area is that of residential properties, which are set back from the road and enclosed by mature landscaping. The appeal dwelling does not form part of a uniformed streetscene and is not a visually prominent feature within it.

8. It is proposed to make multiple alterations to the property to create a more sustainable and accessible family home. The new porch canopy to the front of the dwelling would be an open fronted structure with a sloping clay tiled roof to match the main dwelling. This would, in my view, be an improvement upon the existing flat roof balcony and railings, which would enhance rather than detract from the existing front elevation of the house.

9. The part single part two-storey extension on the north side of the house would, due to its small scale, matching materials and set back from the front elevation, be subordinate and unimposing. The two new dormer windows in the north facing elevation would also be very small in relation to the scale of the roof slope, set back from the frontage of the dwelling and of similar style to the original dormer at the front of the house. I acknowledge that the extended northern roof slope and the north facing dormers would be visible from Searle's Field and in glimpsed views through this neighbouring property. However, the proposals, which would be of high quality design and materials, would not interrupt any important views through the TCA and would not be over dominant.

10. The part single part two-storey rear extension would partially infill an existing recessed corner of the dwelling. The single storey element would be almost fully glazed on two sides and would have a flat green roof, connecting the house to the garden. I note that the extension would exceed the size set out in the Council's Residential Design Guidance Supplementary Planning Document (SPD), but this is guidance not policy and there would be no conflict with its purpose, which is to seek high quality design.

11. The appearance of the rear elevation would change significantly. However, change is not the same as harm. Although the rear roof form would be altered from a hipped roof to three gables, making the 2nd floor accommodation more obvious, the hipped roof sides would remain. The projecting gables, like the original ones to the front of the house, would be lower than the ridge height of the main roof. The two large gables would be finished with horizontal cedar louvres and the smaller, central, suspended gable would be vertically clad with cedar boarding.

12. The carefully planned design would add architectural interest to the rear elevation of the building, and the pallet of different complementary materials would break up its massing. The use of cedar louvres and cladding on the upper floors would blend in with the mature trees that surround the site and occupy the rear garden. The proposal offers a far superior design solution to utilising the roof space than the alternative of hip to gable extensions to the sides and large box dormers to the rear.

13. The south facing dormer window is small in relation to the scale of the roof slope and would not dominate it. It would be located towards the rear of the property and would not be visually prominent. I have not been advised that permitted development rights have been removed from the property and I am aware that the installation of solar panels, on a domestic property, in a conservation area, on a wall which does not front a highway, is usually permitted development. Even if this is not the case, due to their position, flush to the side roof slope of the dwelling, they would not harmfully detract from the appearance of the dwelling or its surroundings.

14. Other alterations, including the replacement of the bay window to the south side of the dwelling with a loggia, roof lights and fenestration changes would have a negligible effect on the dwelling and its surroundings.

15. Whilst the proposal includes numerous elements, these relate to different parts of the dwelling and garden. According to the appellant's appeal statement, the cumulative increase to the volume of the dwelling would be approximately 18%. The extensions and alterations would improve the overall design and sustainability of the dwelling and would not constitute overdevelopment.

16. There would be no loss of historic fabric or character and the appeal site would continue to comprise a modern house in its own grounds, which has a neutral impact on the character and appearance of the TCA.

17. I therefore conclude that the proposal would not be harmful to the character or appearance of the dwelling, its surroundings or to the TCA. Consequently, I find no conflict with Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (September 2012) or Policies DM01 and DM06 of Barnet's Local Plan Development Management Policies (September 2012), which seek, amongst

other things, to ensure high quality design that helps to protect and enhance Barnet's heritage and character.

Protected species

18. A scoping survey undertaken on the appeal property on 20th July 2022, found no evidence of bats. However, as several aspects of the roofline exhibited bat roost potential, a dusk till dawn emergence survey was subsequently undertaken on 29th-30th August 2022. This revealed that bats are present in the area and that the trees within the garden of the appeal property and surrounding area, provide active foraging habitat. There is no evidence of bats using the roof of the appeal property. Consequently, the property is classified as having low bat roost potential. The submitted report sets out suitable recommendations to ensure the new development incorporates biodiversity enhancements.

19. I am satisfied that the information submitted with the appeal demonstrates that the development would not result in harm to protected species. Accordingly, I find no conflict with Policies DM01 and DM16 of Barnet's Local Plan Development Management Policies (September 2012), Policies G6 and G7 of the London Plan 2021 or the National Planning Policy Framework, which seek to ensure the retention, enhancement and creation of biodiversity.

Other Matters

20. The occupiers of Searle's Field have raised concerns regarding overlooking from the new north facing windows and the new timber decking. With the exception of the large north facing dormer, all windows facing Searle's Field would be to non-habitable rooms. As the room to be served by the large dormer would have an additional large window overlooking the rear garden of Birchwood, it would be reasonable to ensure the dormer window is fitted with obscure glazing, which is non-openable below 1.7 metres, to protect the privacy of nearby occupiers.

21. The proposed terrace and timber decking would be small extensions to the existing paved terrace at the rear of the house. They would be set in from the boundary, which is well screened by mature landscaping. Consequently, these elements of the proposal would not result in any unacceptable harm to the living conditions of residents at Searle's Field. I note that the Council raised no concern in respect of these matters.

22. My attention has been drawn to an appeal decision in which an Inspector stated that the harm a development may cause to the historic environment does not automatically reduce if its visual influence on the public realm is limited. Whilst I do not have the full details of that case, it is evident from that decision that the screening of that development would be dependent upon another scheme, which was not guaranteed to be implemented. I have determined this case on its own merits and identified no harm to the historic environment.

Conditions

23. In addition to the standard time limit, a list of approved drawing numbers has been conditioned, for the avoidance of doubt. To ensure a satisfactory end appearance, the external materials to be used in the development are also restricted to those detailed in the approved drawings.

24. It is necessary to condition that obscure glazing is fitted to the large north facing dormer window, to ensure the privacy of occupiers of Searle's Field is protected. However, as other new windows proposed in the north facing elevation would serve non-habitable rooms, it is not necessary for those to be fitted with obscure glass. Nor do I consider it necessary to impose a condition preventing the flat roof from being used as a balcony, given that such a use would require planning permission and does not form part of the approved drawings. As a conservation rooflight is shown on the approved drawings, it is not necessary to duplicate this requirement in an additional condition.

25. The proposal would result in minimal loss of soft landscaping. Details of the proposed new terrace and decking are included in the application. As the gardens are already extensively landscaped and the trees are protected by the conservation area status, I do not consider any new landscaping to be necessary.

26. In order to ensure the protection of existing trees that are to be retained and to provide biodiversity enhancements, I have conditioned that the development is carried out in accordance with the recommendations set out in the submitted Aboricultural and Ecology reports.

Conclusion

27. For the reasons given above I conclude that the appeal should be allowed.

R Bartlett

INSPECTOR

Schedule of 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:436/B/2300, 436/B/2301, 436/B/2310, 436/B/2311, 436/B/2312, 436/B/2313, 436/B/2321, 436/B/2322, 436/B/2323, 436/B/2324 and 436/B/2325.

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those detailed on the approved drawings.

4) The windows in the large north facing dormer hereby permitted shall be installed and fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. The obscured glazing shall be retained thereafter.

5) The development hereby permitted shall be completed in accordance with the tree protection measures set out in the Arboricultural Impact Assessment & Preliminary Method Statement, produced by Oakfield Arboricultural Services, Ref. OAS 21-110-AR01.

6) The development hereby permitted shall be completed in accordance with the recommendations set out in paragraphs 4.1 a) to c) and 4.2 a) to d) of the Preliminary Ecological Assessment and Detailed Bat Survey, produced by GPM Ecology, dated 1st September 2022.