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# Appeal Decision

Site visit made on 5 December 2022

**by L Wilson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 December 2022**

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**Appeal Ref: APP/N5090/D/22/3303089**

**Aynho, Hadley Common, Monken Hadley, Barnet EN5 5QE**

- 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 Stephen Short and Mrs Antonia Hill against the decision of the Council of the London Borough of Barnet.
  - The application Ref 20/0161/HSE, dated 13 January 2020, was refused by notice dated 25 April 2022.
  - The development proposed is internal refurbishment of the dwelling and extension to the rear at ground and first floor, and side at first floor level of the property.
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## Decision

1. The appeal is allowed and planning permission is granted for the internal refurbishment of the dwelling and extension to the rear at ground and first floor, and side at first floor level of the property at Aynho, Hadley Common, Monken Hadley, Barnet EN5 5QE in accordance with the terms of the application Ref 20/0161/HSE, dated 13 January 2020, and the plans submitted with it, subject to the attached schedule of conditions.

## Preliminary Matters

2. The proposal was amended during the course of the application to reduce the width and height of the extension. The Council dealt with the proposal on this basis and so shall I.

## Main Issues

3. The appeal site is located within the Green Belt. Based on the information presented, the scheme would not be inappropriate development in the Green Belt because it would comply with local and national planning policy. The extension would not result in disproportionate additions over and above the size of the original building, in line with paragraph 149 c) of the National Planning Policy Framework (the Framework). This position is agreed by the main parties.
4. Therefore, the main issues are the effect of the proposed development on:
  - The character and appearance of the host property and surrounding area, having regard to the Monken Hadley Conservation Area (CA) and the setting of the listed buildings; and
  - The living conditions of the occupants of The Chase, having regard to light and outlook.

## Reasons

### *Character and appearance*

5. Aynho is a characterful two-storey cottage with a front gable, central cupola, an existing flat roofed ground floor side extension and dormer windows to the rear elevation. The front elevation has the appearance of a stable building, or similar functional building. The property is set back from the highway and is accessed by a shared driveway.
6. It has been suggested that the host building is a listed building. However, the Council has confirmed that the list description can be attributed to the neighbouring property (Hurst Cottage) and Historic England have corrected the entry to remove reference to Aynho. There is no robust evidence before me to take an alternative view.
7. The appeal site is situated within the CA. Aynho overall makes a positive contribution to the CA. This part of the CA is characterised by attractive, imposing Georgian and Victorian villas and houses as well as cottages. The building style, ages and sizes vary. The leafy character and open space (including Hadley Common and Hadley Woods) are also a key feature.
8. The neighbouring properties are Grade II listed buildings (The Chase and Hurst Cottage) which are also set back from the highway. The Chase is a two-storey dwelling with render to the front elevation, slate roof, and features large broad framed windows. It also has a subordinate two-storey, brick addition which the appellant states is an annex to the main house. Hurst Cottage is a two-storey, rendered cottage with a prominent central chimney stack and two front gables.
9. As the proposal is in a conservation area and relates to listed buildings I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
10. The flat roof design of the first-floor extension would not be wholly out of keeping with the host building (given the existing flat-roofed extension). Furthermore, there are varied roof forms within the CA and there are examples of flat roof elements in the locality. The front gable and cupola would remain the prominent features of the property and matching materials are proposed.
11. The proposed extension would not be conspicuous from the surrounding area. This is due to the dwelling's set back from the highway and established vegetation, and also the set back of the extension from the main front elevation. The extension would be visible from neighbouring gardens but due to the established trees and vegetation would not be dominant.
12. Taking into account the characteristics of the area and the existing property, the proposed extension would be of an appropriate scale and design. Therefore, the proposal would preserve the character and appearance of the CA and would be a sympathetic and subordinate addition to the host property.
13. In terms of the impact on the listed buildings, there would be a reasonable distance between the extension and Hurst Cottage. The extension would result in the built form increasing towards The Chase.
14. The proposed gap between the dwellings, existing flat roofed extension as well as the size, siting and design of the extension, would ensure that the

relationship between the two properties would not markedly alter or result in an altered experience of the listed building. The proposed development would not diminish or compromise the setting of the listed buildings. Consequently, I am satisfied that the scheme would not harm the setting of the adjacent listed buildings and would preserve the special interest of those heritage assets.

15. For these reasons, having regard to the size, siting and roof design of the extension, the proposed development would not cause harm to the character and appearance of the host property and surrounding area, having regard to the CA and the setting of the Grade II listed buildings. Consequently, it would comply with Policies CS1 and CS5 of the Barnet's Local Plan (Core Strategy): Development Plan Document (2012) (CS), Policies DM01 and DM06 of the Barnet's Local Plan (Development Management Policies): Development Plan Document (2012) (DMP) and Policies D1, D4 and HC1 of The London Plan (2021). These seek, amongst other matters, to ensure proposals preserve or enhance the character and appearance of conservation areas, and state proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.
16. It would also comply with the overarching aims of the Council's Residential Design Guidance Supplementary Planning Document (2016) (SPD) and the Monken Hadley Conservation Area Character Appraisal Statement. These collectively seek to ensure that extensions reflect the design of the original building, whilst having regard to the character of the area and need to ensure that they preserve or enhance the character and appearance of the conservation area.

#### *Living conditions*

17. The occupiers of The Chase are concerned that the extension would have a harmful impact on their bedroom. They highlight that the ground floor bedroom only has one window which faces towards the appeal property. Photographs have been submitted which shows the existing relationship between The Chase and the appeal property as well as a photograph taken within The Chase. The bedroom window faces towards the boundary wall and the appeal property. Nearby there is dense foliage which is likely to affect the window, and bedroom, to a degree.
18. The extension would result in the built form increasing towards The Chase. It would be set in from the boundary and the existing ground floor extends to the boundary wall. Due to the use of the room, distance between the proposed extension and neighbouring property (and the window), as well as the existing relationship between the properties, the scheme would not be visually dominant or cause an unacceptable loss of light or result in an unacceptable sense of enclosure. It would not have an overbearing effect on outlook from the bedroom window and would not create a visually obtrusive feature.
19. For these reasons, having regard to the evidence submitted and the size, siting and design of the extension, the proposed development would not have an unacceptable effect on the living conditions of the occupants of The Chase, having regard to light and outlook. Consequently, it would comply with Policies CS NPPF, CS1 and CS5 of the CS and Policy DM01 of the DMP. These seek, amongst other matters to ensure proposals are designed to allow for adequate daylight, sunlight and outlook for adjoining and potential occupiers and users.

20. It would also comply with the overarching aims of the SPD which states extensions should not be overbearing or unduly obtrusive and should not result in harmful loss of light or overshadowing of adjoining properties, particularly loss of light to main windows serving principal rooms such as living or dining rooms.

### **Other Matters**

21. Objection comments have raised other matters including concerns relating to privacy, overlooking and parking. The Council did not refuse the planning application on these grounds.
22. The proposal would not result in unacceptable loss of privacy or overlooking. This is due to the location of the new windows and neighbouring windows as well as the orientation of the proposed windows (which would face towards the host dwelling's garden and driveway). In addition, the host property currently has first-floor windows overlooking the rear garden and driveway. Given the nature and scale of the proposed development, the scheme would not significantly increase parking. The other considerations raised in the objection comments are not matters which justify withholding planning permission.

### **Conditions**

23. The Council's questionnaire sets out only the three standard conditions are necessary. However, the committee report sets out additional conditions which I have considered in light of guidance found in the Planning Practice Guidance. Where necessary the wording has been amended for clarity and precision.
24. It is necessary to attach a condition specifying the approved plans as this provides certainty. A condition is also necessary to ensure that matching materials (including windows) are implemented in order to preserve the character and appearance of the area. Furthermore, a condition restricting the use of the roof of the development is necessary in order to protect the living conditions of neighbouring occupiers.
25. Within the committee report a condition removing permitted development rights under any Class of Part 1 of Schedule 2 of the GPDO is included. Having regard to paragraph 54 of the Framework, the Council has not provided clear justification to restrict national permitted development rights. Based on the information submitted, to my mind this condition is not necessary and does not meet the tests of conditions and is not required.

### **Conclusion**

26. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, the appeal succeeds.

*L Wilson*

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: 100 (Site Location Plan), 251 Rev P (Proposed Ground Floor), 251 Rev P (Proposed First Floor), 252 Rev P (Proposed Roof Plan), 350 Rev J (Proposed Section A-A), 351 Rev I (Proposed Section B-B), 352 Rev A (Proposed Section C-C), 450 Rev I (Proposed Front Elevation), 451 Rev I (Proposed Side Elevation 1), 452 Rev I (Proposed Rear Elevation), 453 Rev I (Proposed Side Elevation 2), 454 Rev A (Proposed Front Elevation and Street Scene), SK002 (Proposed Ground Floor showing neighbouring window).
- 3) The materials to be used in the construction of the external surfaces (including windows) of the development hereby permitted shall match those used in the existing building.
- 4) The roof of the extension hereby permitted 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.