



Appeal Decision

Site visit made on 14 November 2022

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 09 JANUARY 2023

Appeal Ref: APP/N5090/W/22/3300616

139 Pennine Drive, Cricklewood, London NW2 1NG

- 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 Shahanski against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/1166/FUL, dated 3 March 2022, was refused by notice dated 20 May 2022.
 - The development proposed is two self-contained flats and rear, side & roof extensions.
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Decision

1. The appeal is allowed and planning permission is granted for two self-contained flats and rear, side & roof extensions at 139 Pennine Drive, Cricklewood, London NW2 1NG in accordance with the terms of the application, Ref 22/1166/FUL, dated 3 March 2022, and the plans numbered 202201/139PD/CONV/S1, 202201/139PD/CONV/02a, 202201/139PD/CONV/02b, 202201/139PD/CONV/02c and 202201/139PD/CONV/04, subject to the following conditions:
 - 1) Within 6 months of the date of this permission, a refuse storage scheme including screening, together with a satisfactory point of collection shall be implemented on site in accordance with details to be submitted to and approved in writing by the local planning authority prior to these works being carried out. The approved refuse storage, screening and collection point shall be retained thereafter.
 - 2) Within 6 months of the date of this permission, a cycle parking and storage scheme shall be implemented on site in accordance with details to be submitted to and approved in writing by the local planning authority prior to these works being carried out. The approved cycle parking and storage shall be retained thereafter.
 - 3) Within 6 months of the date of this permission, a car parking scheme shall be implemented on site in accordance with details to be submitted to and approved in writing by the local planning authority prior to these works being carried out. The approved car parking scheme shall be retained thereafter.

Preliminary Matters

2. The works have already been completed, other than landscaping works to the front of the property. Section 55 of the Town and Country Planning Act 1990 (the TCPA) describes development as the carrying out of building operations, or the making of material changes of use, as opposed to their retention or

continuation. Section 73A of the TCPA makes allowance for the submission of a planning application for development which has been carried out before the date of the application for development and consequently I have considered the appeal on that basis. I have taken the description of development from the application form, removing wording that is not an act of development.

3. Whilst carrying out my site visit, I was aware that the neighbouring attached dwelling, was undergoing building works and that the roof was screened by scaffolding and sheeting. However, given the information and drawings submitted as part of the appeal I have sufficient detail to be able to consider the appeal.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

5. The appeal site comprises a two-storey semi-detached property in a residential area made up of mainly semi-detached properties. There is variation in the character and appearance of properties in the surrounding area, with a number of instances where one of a pair of semi-detached properties has been altered by way of a hip to gable roof extension along with a variety of other alterations and extensions. Whilst the roof extension does alter the visual relationship with the neighbouring attached property, this is characteristic of the surrounding area.
6. Whilst the ground floor element of the side extension largely aligns with the front wall of the existing property (excluding the bay window), the first-floor element is set in from the side boundary, set back from the front elevation and set down from the ridge of the host property. The porch located to the front of the dwelling is also single storey in height and limited in width and depth. As a result, both the side extension and porch appear subordinate and do not dominate the front elevation of the host property.
7. The rear extension above ground floor level and the rear dormer window are screened by the host property when viewing from Pennine Drive, however, they are visible from Cheviot Gardens to the rear of the appeal site. Nevertheless, the first-floor element of the rear extension is stepped down from the dormer window and is therefore subservient to the ridge height. Whilst there is a cumulative effect of the built form to the rear in terms of the rear extension at first floor level and the dormer window, when moving along Cheviot Gardens towards Pennine Drive, there are a number of large dormer windows and rear two storey extensions present in the view, meaning that the proposal does not appear out of keeping with the various alterations and extensions to the rear of properties that are visible from the road.
8. Therefore, the development does not harm the character and appearance of the host property or the surrounding area. As such, it does accord with Policy D3 of The London Plan 2021, Policy CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document September 2012 and Policy DM01 of Barnet's Local Plan (Development Management Policies) September 2012 which seek amongst other things to respond to local context and distinctive local character. The proposal does also accord with the overarching aims of the Local

Plan Supplementary Planning Document: Residential Design Guidance October 2016 which amongst other things seeks to ensure that new development is informed by the local pattern of development.

Other Matters

9. There was a previous planning application approved in 2020 for a similar part single, part two storey extension at the appeal site and a Certificate of Lawfulness was also granted in relation to a hip to gable roof extension and rear dormer window. Whether elements of the scheme would have been permitted development when the building was a single dwelling or not, I have found the scheme to be acceptable.

Conditions

10. The Council have suggested planning conditions in the event the appeal was allowed. The standard commencement condition and approved plans condition have not been applied in this case given the development has already been completed, other than landscaping works. I have not referenced drawing 202201/139PD/CONV/04A in the decision, given it shows a side elevation of the bin enclosure, which will be dealt with under a separate condition.
11. Conditions relating to bin storage, cycle storage and car parking are imposed to protect the character and appearance of the area, encourage sustainable modes of transport and highways safety respectively. There is a strict timetable for compliance with regard to conditions 1, 2 and 3 because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation before the development takes place. The conditions will ensure that the development is acceptable in terms of the character and appearance of the area, modes of sustainable transport and highway safety and that the development can be enforced against if the requirements are not met.
12. A demolition, construction management and logistics plan and the details of a temporary construction route are not necessary given that the scheme is retrospective and the works, other than landscaping, have been completed.
13. Paragraph 017 of the Planning Practice Guidance states that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. There is no evidence before me setting out precisely which rights need to be limited or withdrawn. The need for a condition restricting permitted development rights has therefore not been demonstrated.
14. A condition requiring that the development should be constructed incorporating carbon dioxide emission reduction measures above the minimum target emission rate requirements of Building Regulations is suggested along with another condition requiring that the new dwellinghouses shall have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Building Regulations in relation to accessibility and adaptability for house design. Insufficient evidence has been provided to demonstrate the necessity of these conditions in this case.
15. A condition is also suggested requiring that the dwellinghouses have 100% of water supplied by mains water infrastructure and that each new dwelling shall be constructed to include water saving and efficiency measures that comply

with Building Regulations. There is insufficient evidence before me to justify why this condition is necessary in this case, and in particular why the requirements of the Building Regulations regime are not sufficient in relation to water saving and efficiency.

Conclusion

16. For the reasons given above and having had regard to the development plan as a whole, the appeal is allowed and planning permission is granted subject to the attached conditions.

G Dring

INSPECTOR