



Appeal Decision

Site visit made on 19 December 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/N5090/D/22/3310282

44 The Drive, Edgware, Barnet HA8 8PT

- 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 Hirani against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/4255/HSE, dated 18 August 2022, was refused by notice dated 14 October 2022.
 - The development proposed is the demolition of the existing garage; part single, part two storey front, side and rear extensions incorporating a new front porch; and associated alterations and extensions to the roof including one rear and two side dormer windows and rooflights to the front and rear roof slopes.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing garage; part single, part two storey front, side and rear extensions incorporating a new front porch; and associated alterations and extensions to the roof including one rear and two side dormer windows and rooflights to the front and rear roof slopes at 44 The Drive, Edgware, Barnet HA8 8PT in accordance with the terms of the application, Ref 22/4255/HSE, dated 18 August 2022, subject to the following 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: 2021/1523/1, 2021/1523/2 and 2021/1523/3.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 4. Before the development hereby permitted is first occupied, the proposed windows above ground floor level in the side elevations facing 42 and 46 The Drive shall be glazed with obscure glass and permanently fixed shut up to a minimum height of 1.7 metres above the corresponding internal floor level, and shall be permanently retained as such thereafter.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the host property and the area; and

- The living conditions of adjacent occupiers, with particular regard to the outlook from 46 The Drive.

Reasons

Character and appearance

3. Amongst other things, the Barnet Residential Design Guidance Supplementary Planning Document 2016 ('SPD') sets out that the borough's attractive mix of suburban housing will be protected, and that extensions should appear subordinate to, and should reflect the character of, the original house; should respect its proportions; and that their roofline should normally be stepped down.
4. No 44 is set back from The Drive amongst a row of similarly detached, two storey properties, which display various repetitive design themes, including two storey bay windows with gables, and a palette of hanging tiles, exposed timbers, masonry and render. Many have been significantly extended or altered, particularly to the rear, where their appearance is therefore less cohesive.
5. In particular, I observed that a nearby property at 36 The Drive has substantial single and two storey rear and side extensions, as detailed at paragraphs 7.29 to 7.32 of the appellant's statement. The adjacent property at 46 The Drive ('No 46') has also been significantly extended to the side and rear, although its rear canopy is apparently subject to an enforcement investigation.
6. No 44 appears to largely retain its original proportions, and is off-set to one side of its plot, with a detached garage adjacent to No 46. The Council does not object to the proposed two storey side extension, single storey front extension, dormers and rooflights. Having regard to their proportions and the streetscene, neither do I.
7. However, the proposed ground floor rear extension would span the whole of the original property's rear elevation and the rear face of the proposed two storey extension. It would project to a maximum depth of around 6 metres. Notwithstanding its single storey form it would thus have a considerable bulk.
8. Above it would be a first floor projection, which would be predominantly off set to one side, partially behind the proposed two storey side extension. It would not be set down from the host's ridgeline, and its principal rear face would be only slightly narrower than the original dwelling's rear face, thus giving it a dominant appearance. It would also extend to a maximum depth of around 3.4 metres which, in this location within 2 metres of the plot boundary, would be contrary to the advice at paragraph 14.23 of the SPD.
9. Thus, cumulatively, the single and two storey rear extensions would have a significant scale, and a bulky and dominant form, which would not appear subordinate to the host, and which would allow little of the original dwelling to be 'read'.
10. Although there would be no impact on the streetscene from these elements of the proposal, they would be visible from nearby properties where, having regard to the significant scale, and varied design and proportions, of nearby properties, they would have a moderately harmful impact on the character and appearance of the host and the area.

11. Consequently, there would be a conflict with Policy D3 of the London Plan 2021 ('LP'), Policies CS1 and CS5 of the Barnet Local Plan (Core Strategy) 2012 ('BCS') and Policy DM01 of the Barnet Local Plan (Development Management Policies) 2012 ('BDMP'). Amongst other things, and in general terms, these set out that whilst development should make the best use of land to optimise site capacity, it should also be high quality, and preserve or enhance the local context and character. It would also conflict with the more detailed advice in the SPD.

Living conditions

12. To the rear, the two storey parts of the scheme would project beyond the adjacent two storey section of No 46. However, as illustrated by the sketch at paragraph 8.5 of the appellant's statement, it would not intersect a 45 degree line drawn from the centre of No 46's first floor bay window, which is located just in from the common boundary. That bay window serves a bedroom which, compared to other habitable rooms such as a lounge or dining area, is not a space where the occupants might typically dwell to enjoy the outlook to the same degree. The main outlook from that room down No 46's wide garden would be uninterrupted.
13. Whilst the Council also alleges that there would be overshadowing of No 46, as that property lies to the north-east of the site, having regard to the sun's trajectory, site levels, and the limited depth of the scheme's two storey rear projection, on the basis of the available evidence any such impact would be limited.
14. Consequently, the scheme would not impact the living conditions at No 46 to a harmful degree, and on this issue, it would not conflict with the stance in LP Policies D3 and D6, BCS Policy CS5 and BDMP Policy DM01, that development proposals should deliver appropriate outlook and amenity, and minimise overshadowing; nor with the SPD's advice that extensions should not be overbearing, unduly obtrusive, or cause significant overshadowing.

Other matters

15. The scheme would make an efficient use of the land to provide additional floorspace for the appellant and his family, and would enable elderly parents to move in and be cared for. This is a modest benefit.
16. In support of his scheme, the appellant refers to the fall-back of two 6 metre deep single storey rear extensions (Ref: 22/3162/PNH and 22/1682/PNH), which were approved here under the prior approval procedure for permitted development at Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO'); and a Lawful Development Certificate for a roof extension involving a rear dormer window (Ref: 22/0942/192).
17. Given those decisions, and the appellant's stated need for additional accommodation, I have no cogent reason to doubt that there is a greater than theoretical possibility that those developments might take place.
18. One of those single storey rear extensions would be deeper than the single storey element in the appeal scheme, and although together they would be less wide than it, they would have a contrived and disjointed form, with a narrow gap between them. The roof extension would be large and prominently

positioned high up on the building, where it would give the property a very top-heavy and rectilinear appearance, which would not respect its original form and proportions.

19. Consequently, in my view, the proposed fall-back would have a significantly more harmful impact on the character and appearance of the host property and the area than the appeal scheme.

Conclusion and Conditions

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
21. Whilst I have found that the scheme would not impact the living conditions at 46 The Drive to a harmful degree, it would cause moderate harm to the character and appearance of the host property and the area, contrary to the development plan.
22. However, compared to it, the fallback would result in greater harm. This is a material consideration which carries significant weight in my decision. That fallback, together with the scheme's modest benefit, provide sufficient justification to grant planning permission other than in accordance with the development plan in this particular case.
23. Turning to the matter of conditions, I have considered those suggested by the Council in its delegated report against the tests in the National Planning Policy Framework. I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
24. In the interests of good design, a matching materials condition is necessary; and to protect adjacent occupiers' living conditions I have imposed a condition requiring that the windows in the upper side elevations of the development be obscurely glazed and fixed shut to a height of 1.7 metres.
25. The Council has also suggested a condition preventing the extensions' roofs from being used as outdoor amenity areas. However, as set out on the approved plans, to which my second condition refers, the area of flat roof that would be created would be fairly limited and would be significantly interrupted by large rooflights. Consequently, such a condition is unnecessary.
26. Finally, the Council has suggested a condition requiring that, other than as set out on the approved plans, no windows or doors shall be placed above ground floor level in the side elevations of the extensions. However, having regard to the conditions at part A.3 of the GPDO, that is not necessary to safeguard adjoining occupiers' amenities.
27. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR