



---

## 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: 11 January 2023**

---

**Appeal Ref: APP/N5090/D/22/3305014**

**23 Brockley Avenue, Stanmore, Barnet HA7 4LX**

- 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 Patel against the decision of the Council of the London Borough of Barnet.
  - The application Ref 22/2991/HSE, dated 7 June 2022, was refused by notice dated 2 August 2022.
  - The development proposed is single-storey front extension and single-storey side and rear extensions. First-floor front infill extension and first floor rear bay window extension with pitched roof. Roof extension and alterations involving an increase in height to match the existing rear roofline to form a crown roof, formation of a rear centralised dormer window following removal of existing rear dormer and 1no. rooflight to main crown roof and 2no. rooflights to each side facing roofslope.
- 

### Decision

1. The appeal is allowed and planning permission is granted for single-storey front extension and single-storey side and rear extensions. First-floor front infill extension and first floor rear bay window extension with pitched roof. Roof extension and alterations involving an increase in height to match the existing rear roofline to form a crown roof, formation of a rear centralised dormer window following removal of existing rear dormer and 1no. rooflight to main crown roof and 2no. rooflights to each side facing roofslope at 23 Brockley Avenue, Stanmore, Barnet HA7 4LX in accordance with the terms of the application, Ref 22/2991/HSE, dated 7 June 2022 and the plans submitted with it, 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, 290:01, 290:11 Rev A, 290:12 Rev A, 290:13 Rev A, 290:14 Rev A and 290:15 Rev A.
  - 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows or doors other than those expressly authorised by this permission shall be constructed above ground floor level on the side elevation of the extension facing No 21 Brockley Avenue.

- 5) The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

### **Main Issue**

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

### **Reasons**

3. The appeal site comprises a detached two storey dwelling located at the end of a no through road. There is a wide variety of different dwelling types and designs along Brockley Avenue, some dwellings having been extended and altered in the past. The proposal is comprised of various elements, however, it is clear from the Council's decision notice that its concerns relate to the single storey front extension, the first floor front infill extension and the increase in the height of the lower section of the main roof to match the existing ridge height.
4. The proposed single storey front extension would be limited in its scale and massing compared to the host dwelling and would be set back from the front building line of the existing two storey garage front projection. It would be tucked into the corner created between the proposed two storey element and the existing two storey front projection. Due to its scale, massing and position the proposed single storey extension would appear subservient to the host dwelling. There are a number of both open porches and front single storey projections attached to the front elevation of dwellings along Brockley Avenue of varying designs and roof types and therefore the proposed single storey extension would not appear incongruous in the context of the surrounding area.
5. The design of the proposed first floor front infill extension would result in a change to the appearance of the front elevation of the host dwelling. However, whilst the infill extension would not be subordinate, it would not be overly dominant or incongruous with the design and form of the existing dwelling. Moreover, the proposed fenestration would balance with the existing rhythm of the front elevation thereby assisting the infill extension to assimilate with the host dwelling. Given the significant variation in dwelling types and design along Brockley Avenue, the first floor front infill extension would respond appropriately to the varied character and appearance of the surrounding area.
6. The Local Plan Supplementary Planning Document: Residential Design Guidance (SPD) was adopted in October 2016 and provides more detailed residential design guidance. The SPD does not form part of the development plan but is a material consideration. Paragraph 14.28 of the SPD states that large front extensions will not normally be permitted because of their effect on the street scene and character of the area in general. However, the proposal would not result in conflict with the overarching aim of the SPD which seeks to ensure that proposals do not result in incongruous developments that do not respond positively to the character and appearance of the surrounding area.
7. The alteration to the roof, including the increase of the height of the existing lower front projection to match that of the existing ridge height, would alter the character and appearance of the front elevation of the host dwelling. However, the existing two storey garage projection would remain lower and would retain

its forward position in relation to the main principal elevation, thereby retaining some variation in the roofscape of the host dwelling when viewed from the road. The resultant crown roof would retain its pitched appearance when viewed from the road and would not be harmful to the character and appearance of the surrounding area.

8. The Council did not raise any concerns in relation to the effect of other elements of the proposal on the character and appearance of the host dwelling or the surrounding area and on the basis of the evidence before me, I see no reason to reach a different conclusion.
9. For the reasons set out above I conclude that the proposal would not be harmful to the character and appearance of the host dwelling or the surrounding area. Accordingly, I find no conflict with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document September 2012, Policy DM01 of the Barnet's Local Plan (Development Management Policies) Development Plan Document September 2012, Policy D3 of The London Plan 2021 or the overarching aim of the SPD which seek, amongst other things, to ensure developments conserve, enhance and respond to local character and distinctiveness.
10. Whilst I note the Council has identified Policy CS NPPF in its first reason for refusal, this does not appear relevant to the consideration of the proposal.

### **Other Matters**

11. I note that a previous application for the same proposal was refused by the Council and that amendments were sought by the Council during the processing of the planning application. I also understand that extensions and alterations to the host dwelling have been carried out and alternative schemes have been approved in the past. However, be that as it may, I must deal with the proposal before me on its own merits.

### **Conditions**

12. I have considered the conditions suggested by the Council in their Officer Report. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. A condition requiring matching materials to be used is necessary in the interests of the satisfactory appearance of the development. Conditions restricting the insertion of windows, dormer windows and doors above ground floor level in the side elevation of the extension facing 21 Brockley Avenue without planning permission and restricting the use of the roof area of the single storey rear extension are necessary to protect the living conditions of the occupiers of the neighbouring property from overlooking and I have therefore imposed them.

### **Conclusion**

13. For the reasons given above and having had regard to the development plan as a whole, the appeal is allowed.

*G Dring*

INSPECTOR