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## Appeal Decision

Site visit made on 13 February 2023

**by Mike Hayden BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25 April 2023**

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**Appeal Ref: APP/N5090/D/22/3302372**

**90 The Ridgeway, Golders Green, London NW11 9RU**

- 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 BY Developments against the decision of the Council of the London Borough of Barnet.
  - The application Ref 22/1360/HSE, dated 15 March 2022, was refused by notice dated 11 May 2022.
  - The development proposed is the formation of a basement level with associated lightwells; part single, part two storey side and rear extensions; roof extension involving side and rear dormer windows.
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### Decision

1. The appeal is allowed, and planning permission is granted for the formation of a basement level with associated lightwells; part single, part two storey side and rear extensions; and roof extension involving side and rear dormer windows at 90 The Ridgeway, Golders Green, London NW11 9RU, in accordance with the terms of the application, Ref 22/1360/HSE, dated 15 March 2022, subject to the conditions in the attached schedule.

### Procedural Matters

2. The application form describes the proposed development as a basement extension. However, it is clear from the plans and accompanying details that the development also comprises single and two storey side and rear extensions, a roof extension and dormer windows. Accordingly, in the heading and decision above, I have used the description of development contained in the decision notice. The Council dealt with the proposal on this basis and so have I.
3. I have also dealt with another appeal (Ref: APP/N5090/W/22/3299154) on this site, which is the subject of a separate decision.

### Main Issue

4. The second reason for refusal relates to the lack of supporting information to demonstrate that the impact of the proposed development on trees would be acceptable. However, an Arboricultural Impact Assessment was submitted with the appeal, which the Council has confirmed by email, dated 7 December 2022, provides sufficient information to address the reason for refusal.
5. Accordingly, based on the first reason for refusal, the main issue in this case is the effect of the proposed development on the character and appearance of the host dwelling, with particular regard to the basement extension and lightwells.

## Reasons

### *Character and Appearance*

6. The appeal property comprises one of a pair of semi-detached dwellings, located on the south side of The Ridgeway. The dwellings are characteristically designed in an Arts and Crafts style. The front elevations of the appeal property and its neighbours at 84-88 The Ridgeway feature matching two storey gables, sweeping roof pitches and single storey porch extensions in the Arts and Crafts style, which contribute to the character and appearance of the area.
7. Subsequent to the refusal of the application the subject of this appeal, planning permission<sup>1</sup> was granted for the conversion of the appeal property to 3 flats comprising the same design of extensions as the appeal scheme, with the exception of the basement and lightwells. Although this was for a different development internally, the extant permission provides a fallback position to which significant weight should be attached, when considering the effects of the proposed extensions on the character and appearance of the existing dwelling and the surrounding area.
8. The proposed first floor side extension would be set back from and subordinate to the front elevation of the appeal property. Likewise the roof over the side extension would be subservient, designed to step down below the ridge of the existing roof. At the rear, although the existing full height bay window would be lost, the proposed extension at first floor level would be set well away from the boundary with 88 The Ridgeway and feature a hipped pitched roof set below the existing ridge height, respecting the form and proportions of the existing dwelling. The proposed side and rear dormer windows would be subservient within the planes of the existing roof. The ground floor rear extensions would mirror the depth and flat roofed design of those at no. 88.
9. The proposed basement would be largely concealed underground, except for two lightwells, which would extend 2 metres and 3 metres respectively beyond the rear wall of the proposed ground floor extension. The Barnet Residential Design Guidance (2016) (the RDG) allows for single floor basement extensions, which do not project more than 3 metres from the rear wall of the house or require the removal of more than 50% of the garden amenity space. The appeal proposal would accord with these requirements.
10. In addition, the RDG expects that any exposed area of basement should be subordinate to the property and respect its original design and proportions. The proposed lightwells are modest in terms of their size and depth, they would be split and staggered either side of the proposed rear entrance, and their windows would align and be consistent with the form and proportions of the ground floor windows in the façade above. As such, the exposed elements of the basement would not dominate the rear elevation of the dwelling, but would respect its design and composition.
11. I note that a review of aerial photography undertaken by the Council has not revealed any other basements or lightwells within the rear gardens of properties in The Ridgeway. Nevertheless, from my inspection of the site and surroundings, I am satisfied that the proposed basement lightwells would not be visible from the street or prominent in views from surrounding properties.

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<sup>1</sup> Planning application reference 21/5834/FUL

12. Overall, therefore, I find that the proposed development, including the basement extensions and lightwells, would respect and not harm the character and appearance of the host dwelling and the street scene in The Ridgeway. Accordingly, it would comply with Policy CS5 of the Barnet Local Plan Core Strategy (2012) and Policy DM01 of the Barnet Local Plan Development Management Policies (2012) (BLPDMP), both of which seek to protect the character and appearance of Barnet. It would also be consistent with paragraph 130(c) of the National Planning Policy Framework (the Framework), which expects development to be sympathetic to local character.

#### *Other Matters*

13. With regard to the effect of the proposed basement extensions on trees within the rear garden, the Arboricultural Impact Assessment (AIA) submitted with the appeal shows that three small trees closest to the rear of the existing property would need to be removed. However, consent already exists for the removal of the Purple Plum and Holly on the boundaries with 88 and 92 The Ridgeway, respectively, as part of the extant permission for the conversion of the appeal property referred to above. The third tree is a Pittosporum close to the boundary with no. 88, which is only visible within the rear garden, and the loss of which would not have a noticeably adverse effect on the character and appearance of the appeal property or the surrounding area.
14. The AIA recommends the replacement of the trees that would be lost with suitable species as mitigation, which could be required by condition. The bulk of the mature trees and shrubs at the rear of the appeal property would remain, the protection of which could also be secured by condition, to preserve the landscaped backdrop to the properties. Subject to this, there would be very little diminution in the landscape at the rear of the dwelling.
15. Representations have raised a number of concerns about the effect of the proposals on the living conditions of the occupiers of 88 and 92 The Ridgeway. The extant permission referred to above also carries significant weight as a fallback position when assessing the effects of the appeal scheme on the living conditions of neighbours. Nevertheless, I have considered the issues raised.
16. The proposed first floor rear extension would project to around the same depth as the existing two-storey side and rear extensions and be set a sufficient distance from the side boundaries, so as not to cause unacceptable harm to the outlook from, or daylight and sunlight to habitable rooms at the rear of nos. 88 and 92. The proposed ground floor rear extension would project a little beyond the rear elevation of the ground floor extension to no. 92, but not such as to have any significant effect on outlook for the occupiers of no. 92.
17. In terms of overlooking, the side dormer window at second floor level and a side window to the bedroom at first floor would look towards the side windows of the ground and first floor flats at no. 92. However, any potential overlooking or loss of privacy could be avoided by the use of obscured glazing to these proposed windows, which could be secured by condition. Likewise the use of the flat roof above the ground floor extension as a balcony or a roof garden could be restricted by condition to prevent overlooking from there.
18. The construction of the proposed basement and its effect on the structure of the neighbouring properties would be controlled under the Building Regulations. Likewise for any ventilation systems required for the basement accommodation.

Whilst the rear lightwells would extend past both neighbouring properties, given their modest size and lower ground floor position, their use and occupation for residential purposes should not give rise to undue noise or disturbance to neighbouring occupiers. The potential for noise and disturbance from the construction process could be controlled by the local planning authority through a Construction Management Plan, which could be required by condition.

19. The proposed location of the bin and bike stores within the front and rear gardens of the property away from windows and entrances to the appeal property and its neighbour at no. 88 is also reasonable. In all of the above respects, the appeal proposals would satisfy the requirements of Policy DM01 of the BLPDMP with regard to their effects on the living conditions and residential amenity of neighbouring occupiers.
20. Concern has also been raised in representations about the increase in the number of people occupying the appeal property with the extensions proposed and the effect of this on parking, overcrowding and local services. However, the appeal scheme does not propose the subdivision of the property into separate dwellings and any such proposal would require a separate planning permission. In terms of parking, The Ridgeway and the surrounding streets are included in a Controlled Parking Zone, where on-street parking is restricted. Two off-street parking spaces are also proposed on the forecourt area, which would comply with the standard contained in criterion g of Policy DM17 of the BLPDMP.

### **Conditions**

21. I have considered which planning conditions are required having regard to the tests contained in the Framework and the Planning Practice Guidance (PPG) and the conditions suggested by the Council in the Planning Officer's Report. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition to ensure materials match those used in the existing building is necessary to preserve the character and appearance of the host property and the surrounding area.
22. I have included conditions to safeguard the privacy of occupiers of the adjoining properties by requiring obscured glazing in the windows in the side elevations of the proposed extensions facing no. 92, preventing further windows being inserted in the side elevations of the proposed extensions facing nos. 88 and 92, and ensuring the flat roof to the ground floor extensions is not used as a balcony. A Construction Management Plan is necessary in the interests of highway safety and to ensure the development is carried out in such a way as to minimise noise and disturbance to neighbouring occupiers.
23. I have included a condition requiring the protection of trees on site which are to be retained, to preserve their amenity value and contribution to the character and appearance of the property. A condition requiring a scheme of landscaping to include replacement trees and shrubs for those lost as a result of the extensions is also necessary in the interests of biodiversity and visual amenity.
24. A condition to prevent the basement being occupied as a separate dwelling unit, as suggested by the Council, is not necessary. This is because subdivision of the extended property into more than one dwelling would require a separate planning permission, over which the Council already has control as the local planning authority.

## **Conclusion**

25. For the reasons given above, and taking all other matters into account, I conclude that the appeal should be allowed, subject to the conditions specified in the attached schedule.

*M Hayden*

INSPECTOR

## Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 090RI-A-01-001 REV 2; 090RI-A-01-002 REV 2; 090RI-A-02-101 REV 2; 090RI-A-02-102 REV 2; 090RI-A-02-103; 090RI-A-03-100; 090RI-A-03-101 REV 2; 090RI-A-03-102 REV 2; 090RI-A-03-103 REV 2; 090RI-A-03-106 REV 2; 090RI-A-05-101 REV 2; 090RI-A-05-102 REV 2; 090RI-A-05-103; 090RI-A-06-101 REV 2; 090RI-A-06-102 REV 2; 090RI-A-06-103 REV 2; 090RI-A-06-104 REV 2.
- 2) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 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 and shall be maintained as such thereafter.
- 4) The extensions hereby permitted shall not be occupied until the proposed windows at first and second floor levels in the side elevation facing 92 The Ridgeway have been glazed with obscured glass. No part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 5) Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the extensions hereby approved facing 88 or 92 The Ridgeway.
- 6) The roof areas of the extensions hereby permitted shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
- 7) No development or works shall take place on site, including any temporary enabling works, site clearance and demolition, until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Plan submitted shall include, but not be limited to, the following:
  - i. details of the routing of construction vehicles to and from the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are to be properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway;
  - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

- vii. noise mitigation measures for all plant and processors;
- viii. details of the contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

The development shall thereafter be implemented in accordance with the measures detailed within the Plan.

- 8) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until temporary tree protection has been erected around existing trees on site, as shown on the tree protection plan contained in the Arboricultural Impact Assessment Method Statement & Tree Protection Plan (to BS:5837 2012) prepared by Trevor Heaps Arboricultural Consultancy Ltd. dated 23rd May 2022 (Ref: TH 3421). This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.
- 9) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Details shall include the existing trees to be retained and the size, species, planting heights, densities and positions of any soft landscaping, including 3 replacement trees. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.