The Planning Inspectorate

Appeal Decision

Site visit made on 13 April 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2023

Appeal Ref: APP/N5090/D/23/3314003
95 West Heath Road, Hampstead, London NW3 7TN

- 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 Moshe King against the decision of London Borough of Barnet.
- The application Ref 22/4648/HSE, dated 13 September 2022, was refused by notice dated 18 November 2022.
- The development proposed is described as: Single storey infill side extension, front lower ground floor extension, front extension to incorporate external balconies internally, garage extension, amendments to external materials and internal amendments.

Decision

1. The appeal is allowed and planning permission is granted for single storey infill side extension, front lower ground floor extension, front extension to incorporate external balconies internally, garage extension, amendments to external materials and internal amendments, at 95 West Heath Road, London, NW3 7TN in accordance with the terms of the application, Ref 22/4648/HSE, dated 13 September 2022, and the plans submitted with it, subject to the conditions set out in the Schedule at the end of this decision.

Main Issues

2. The main issues are the effect of the proposed development on:

   - the character and appearance of the host property and the wider area; and
   - the living conditions for the occupiers of No. 93 West Heath Road, with regard to outlook

Reasons

Character and Appearance

3. The appeal site comprises a large four storey detached dwelling plus accommodation in the roof level, with front and rear terraced garden areas. Due to its siting significantly higher than street level, the dwelling from the rear appears only as 2 storeys plus roof level. West Heath Road comprises large detached dwellings displaying a wide range of architectural styles, and at differing heights above street level on the appeal side of the road.

4. The Council has raised no issue with the proposed front basement extension and garage, or the rooflights, and I see no reason to take an alternate view. Similarly, on balance the Council considered that the size and proportions of

the rear dormers are acceptable when viewed in comparison with neighbouring properties, and I agree with this conclusion.

5. Substantial works are proposed to the dwelling's frontage. The revised basement/garage enables a large ground floor balcony above, and the single storey front extension to one side create a large first floor balcony on top. While substantial in massing, I do not find these aspects to be excessively dominant compared to the existing frontage arrangement, and in combination with the amendments to the garage level which I have already found to be acceptable.

6. The scheme also proposes the enclosure of the existing balconies, and introduction of a new balcony above the eaves level which would incorporate a new pitched roof. This aspect would be particularly prominent as a new addition, as would the solidity and verticality of the enclosed balconies and timber cladding. It is a finely balanced judgement as to whether cumulatively this would cause harm to the character of the host dwelling overall. However, the existing balconies do partly establish an existing size for this massing. When viewed in the context of the size and proportions of the dwelling as a whole, the proposal would retain an overall balance and a certain level of grandeur as a modern interpretation of the original.

7. Moreover, the impact on the host property cannot be viewed in isolation from the character and appearance of the wider streetscene. The large works would be highly visible due to the site's overall height. However, there is no consistent architectural style or design along this side of West Heath Road, beyond that of generally very substantial dwellings, several of which utilise the steep topography for undercroft structures and significant terracing. Some plots on the street are under redevelopment, which again will present significant massing and further differing styles. There is no established building line or standard height above the street.

8. Furthermore, the appeal dwelling is noticeably different from its immediate neighbours in terms of its brick colour, and multi-level and ornate front balconies. It therefore already has a certain extent of prominence within the street, and so the proposed extensions in comparison to the host would not unduly add additional dominance within this context.

9. Notwithstanding the above, I do find that vertical timber cladding would be an incongruous material in the streetscene, such that this element of the proposal would be particularly conspicuous. However, materiality could be controlled via a condition.

10. Overall, the significant massing of the proposed front amendments in relation to the host is tempered by its position within the streetscene as a whole, and the similarities of some of the proposed new elements to those within other nearby dwellings. I find therefore that in totality they would not cause undue harm to character and appearance.

11. Moving to a consideration of the side/rear extension, this would act as an infill within the L shaped floorplate. It would not project beyond the main existing rear or side elevations. While the proposed extension is identified on the plans as at first floor level compared to the property's frontage, it would itself only be single storey in height against the existing external rear ground floor level.

12. The Residential Design Guidance Supplementary Planning Document (RDG SPD) (2016) provides acceptable guidelines for extensions including size parameters, highlighted by the Council as not being met. However, the RDG SPD includes no direct comparable example to that at the appeal site, and does state that each proposal will be considered on its own individual merits.

13. In comparison with the much larger massing of the existing rear/side elevation, the proposal would be subordinate, and with proportions which I find to be acceptable. The flat roof would not look untoward on a flank infill in this regard, and indeed the RDG SPD acknowledges that a flat roof may be appropriate on single storey extensions.

14. In conclusion therefore, the development would not result in harm to the character and appearance of the host property and the wider area, and so would comply with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) (CS) (2012), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (DMP DPD) (2012), Policy D3 of the London Plan (2021), and paragraph 130 of the National Planning Policy Framework ('the Framework') (2021). It would also comply with the RDG SPD guidance, specifically Chapter 14 relating to house extensions. This policy suite seeks the highest standards of urban design, and aims for proposals to protect and enhance Barnet's distinctive character and local context, and to respect the appearance, scale, mass, and height of surrounding buildings and streets.

Living Conditions

15. The Council considers the proposed first floor side/rear extension would be overbearing to the neighbouring occupiers at No. 93 West Heath Road, leading to a loss of outlook. The appeal dwelling is set at a significantly higher level than No. 93, such that the extension would be approximately level with that dwelling's first floor. The appeal dwelling is also set back in relation, with a side flank which therefore extends some way beyond that of No. 93.

16. However, as identified above, the proposed extension is itself single storey and would not project beyond the main existing elevations. Despite resulting in a partially closer side flank to No. 93, the existing relationship would thus be largely maintained. In this regard, the extension would not have such dominance and enclosure, or block outlook from the windows or garden of No. 93 to the extent that undue harm would be caused. That property already has an existing single storey rear extension near this boundary, plus a large rear garden away from the proposal. Views from its windows would retain this predominantly open aspect.

17. In conclusion therefore, the proposed development would result in acceptable living conditions for the occupiers of No. 93 West Heath Road, with regard to outlook. This would comply with Policies CS NPPF, CS1, and CS5 of Barnet's CS, Policy DM01 of Barnet's DMP DPD, and guidance in the RDG SPD and the Sustainable Design and Construction Supplementary Planning Document (2016). Together these require new development to be designed to allow for adequate amenity for adjoining and potential occupiers and users, including no loss of outlook, sense of enclosure, or overbearing impact. The proposal would also comply with the Framework paragraph 130, regarding the need to ensure that developments function well, and to create places which have a high standard of amenity for existing and future users.

Conditions

18. I have imposed all the Council's suggested conditions, subject to slight amendment to reflect paragraph 56 of the Framework and the Planning Practice Guidance. I have attached the statutory condition to limit the lifespan of the planning permission, and one to specify the approved plans to provide clarity for the terms of the permission.

19. A condition for a demolition and construction management plan is required in the interests of highway safety, noise, and air quality. Confirmation of land levels is required to ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the safety and amenities of users of the site. Conditions specifying agreement of external materials and refuse storage are necessary to safeguard the character and appearance of the streetscene, and cycle parking in order to promote cycling as a mode of transport. Restriction of the use of the flat roof extension as a balcony will ensure that the occupiers of adjoining properties are not impacted by overlooking.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude the development accords with the development plan taken as a whole with no material considerations outweighing this, and therefore the appeal is allowed.

L Hughes

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:

Site Location Plan
518222-010 Proposed Basement Plan
518722-011 Proposed Ground Floor Plan
517722-012 Proposed First Floor Plan
517722-013 Proposed Second Floor Plan
518722-014 Proposed Third Floor Plan
517722-020 Proposed Front and Rear Elevation
517722-021 Proposed Side Elevations
517722-022 Proposed Site Plan
517722-023 Site Elevations
517722-024 Existing and Proposed Street Elevations

3) No development or site works shall take place on site 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 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 properly washed and cleaned to prevent the passage to 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 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.

   For major sites, the Plan shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

4) No development shall commence until details of the levels of the building in relation to the adjoining land and highways and any other changes proposed in the levels of the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

5) No development other than demolition works shall take place until details of the materials to be used in the construction of the external surfaces of the scheme hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

6) Before the development is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details and retained as such thereafter.

7) Before the development is first occupied, details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details, and that space shall thereafter be kept available only for the parking of cycles.

8) The roof of the side/rear ground floor 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.