

Appeal Decision

Site visit made on 3 April 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCIArb MCIL

an Inspector appointed by the Secretary of State

Decision date: 15th May 2023

Appeal Reference: APP/N5090/D/23/3314631

46 Parkside, Mill Hill, Barnet, London NW7 2LP

- 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 K. Tripathi against the decision of the Barnet London Borough Council.
 - The application (reference 22/4339/HSE, dated 25 August 2022) was refused by notice dated 20 October 2022.
 - The development proposed is described in the application form as "*erection of single storey rear and side extension with pv panels to accomodate disable child*" [sic].
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear and side extension with photo-voltaic panels on the roof, at 46 Parkside, Mill Hill, Barnet, London NW7 2LP, in accordance with the terms of the application (reference 22/4339/HSE, dated 25 August 2022), subject to the conditions set out in the attached Schedule of Conditions.

Preliminary points

2. Notwithstanding the description of the application that was given in the application form, the nature of the development proposal can more succinctly be expressed as the erection of a single storey rear and side extension with photo-voltaic panels on the roof.

Main issue

3. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings.

Reasons

4. The appeal site is located in a suburban part of the London Borough of Barnet, which is characterised by residential development in an irregular street pattern. The locality lies a short way to the west of the M1 Motorway and immediately to the west of the A1 Watford Way, which is a busy dual carriageway.

5. The appeal site lies in Parkside, a relatively quiet residential road that here runs closer to Watford Way, albeit at a significantly higher level. There is some intrusion from traffic noise, of course. Parkside itself is a rather narrow, curving road, interrupted by a small roundabout adjacent to the appeal site itself. The roundabout is grassed and set with trees, as are the grass verges along the road, and the area has a pleasant, leafy, suburban character.
6. The house at number 46 Parkside is constructed on a wedge-shaped plot that increases in width towards the rear. The front elevation of the house is set back behind a modest front garden, at carriageway level, but the land falls away steeply at the rear, with a long south-westerly oriented back garden that has its boundary with Watford Way.
7. The front elevation of the house is traditional in style, finished in white painted render under a hipped roof, with various architectural features. At the rear of the house, by contrast, a two-storey, flat-roofed extension has been built with a lower conservatory extension also added. These elements have been constructed well above the level of the back garden, due to the natural slope of the land, to the extent that the conservatory has an outdoor room constructed beneath it, at garden level. The rear elevation of the building is not visually attractive but it has only a limited impact on public views as a result of the screen planting at the bottom of the garden, which also makes the main road less intrusive.
8. It is now proposed to construct a further extension at the rear of the house, with a side extension alongside part of the building. The project is described as a "single storey extension" but it would stand at a significantly higher level than the garden, in order to relate to the existing floor level. The extensions would have a flat roof, with an installation of photo-voltaic solar panels.
9. The submissions explain that the proposed extensions have been especially designed to accommodate the needs of a disabled child.
10. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities.
11. Policies in the Development Plan also share these basic principles. Particular attention is drawn to Policies in 'Barnet's Local Plan (Core Strategy) Development Plan Document' (dated September 2012) and 'Barnet's Local Plan (Development Management Policies) Development Plan Document' (also dated September 2012). Policies CS1 and CS5 of the 'Core Strategy' are intended to encourage high standards of design in broad terms, while Policy DM01 of the 'Development Management Policies', which is aimed at "Protecting Barnet's character and amenity", provides more specific criteria for proposed development.
12. The Council's Residential Design Guidance Supplementary Planning Document is also relevant but it does not have the force of the statutory Development Plan.

13. In the street elevation, the new side extension would have only a limited visual impact, being set back well behind the line of the front of the building. At the rear, the proposed extensions would create a high building element facing the back garden, with a new floor area at existing ground floor level, underpinned by a supporting structure beneath at garden level. This would evidently have a dominant effect on the garden.
14. Moreover, the windows in the rear elevation would be small in proportion to the amount of wall area and would be unimaginatively related to the elevation as a whole. The overall design would be uninspiring, due to the solid expanse of wall area and the fenestration pattern, as well as to the poor design of the existing rear extension.
15. Nonetheless, the proposed new extensions would have a rendered finish, to match existing materials, and, overall, would have only a minimal effect on public or neighbours' views.
16. The impact of the extensions would be exaggerated by the high parapet that is proposed at roof level. This is described as being needed for "health and safety purposes" but the logic of this is unclear. The roof would be used for the installation of solar panels and occasional maintenance would be required, no doubt, but the construction of high parapets would not be essential. Even so, their appearance would not be so intrusive as to render the whole scheme unacceptable. For the avoidance of doubt, however, I will make it clear that the roof must not be used as a roof terrace in the future, by imposing a condition to that effect.
17. The new extensions would have only a limited effect on neighbours. The new construction would not project beyond the existing conservatory (which has evidently been in existence for a number of years), while the new side extension would be sited alongside the rear part of number 44, adjoining, which has already been extended. I accept that the proposed development would not cause undue harm to neighbours' amenities, therefore.
18. In reaching my decision, I have taken account of the information that has been submitted relating to the special needs of a disabled child at the house. The 'Planning Practice Guidance' draws attention to the special need for "Housing for older and disabled people" and I accept that the needs of a disabled child are a material consideration in this appeal. Information relating to this has been referred to in the submissions and the needs of the disabled child were also taken into account by the Council, as shown by the Officer's Report on the planning application.
19. Of course, it must be acknowledged that personal circumstances are often likely to be outlasted by the building development that is proposed (if the applicant's family were to move away, for example) and the weight to be given to such considerations is a matter for the decision-maker in the circumstances of a particular case. In this case, I have concluded that the special need for the accommodation brings additional weight to the arguments in favour of the application.
20. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful addition to the existing house, especially in that it would provide

specifically designed accommodation in circumstances of special need. On balance, I have concluded that the project would not amount to an overdevelopment of the site (even taking account of previous extensions) and that it would not be so unattractive as to justify a refusal of planning permission in consequence of any undue harm to the character or appearance of the host building and its surroundings.

21. In short, I have concluded that the project would not be in conflict with the Development Plan as a whole and I am persuaded that the scheme before me can properly be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
22. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal). I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained.
23. I have also formed the opinion that a condition is necessary to prohibit the use of the flat roof of the new extensions as a terrace or balcony, to prevent intrusion on neighbours' amenities and for the avoidance of doubt (notwithstanding the details included on the application drawings).

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - unnumbered Ordnance Survey site location plan (1:1250);
 - drawing number XEVA/46P/301A (Existing Ground Floor Plan);
 - drawing number XEVA/46P/302A (Proposed Ground Floor Plan);
 - drawing number XEVA/46P/303A (Existing and Proposed Front Elevations);
 - drawing number XEVA/46P/304A (Existing and Proposed Rear Elevations);
 - drawing number XEVA/46P/305A (Existing and Proposed Side Elevations 1);
 - drawing number XEVA/46P/306A (Existing and Proposed Side Elevations 2);
 - drawing number XEVA/46P/307A (Existing Roof Plan);
 - drawing number XEVA/46P/308A (Proposed Roof Plan);
 - drawing number XEVA/46P/309A (Existing and Proposed Sections AA);
 - drawing number XEVA/46P/310A (Site Plan);
 - drawing number XEVA/46P/311A (Site Plan).
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. No part of the flat roof to be created by this development shall be used as a terrace or balcony at any time.