The Planning Inspectorate

Appeal Decision

Site visit made on 25 April 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2023

Appeal Ref: APP/N5090/D/23/3317288
53 Riverdene, Edgware HA8 9TA

- 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 Awrung and Mrs Samila Samia against the decision of the Council of the London Borough of Barnet.
- The application Ref 22/5800/HSE, dated 4 December 2022, was refused by notice dated 9 February 2023.
- The development proposed is the erection of a single storey rear extension following demolition of an existing conservatory and existing raised patio and new access steps to garden level.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension following demolition of an existing conservatory and existing raised patio and new access steps to garden level at 53 Riverdene, Edgware HA8 9TA in accordance with the terms of the application, Ref 22/5800/HSE, dated 4 December 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, including the specified materials to be used in the construction of the external surfaces: 22004 001 Rev C; 22004 010 Rev C; 22004 100 Rev C; 22004 101 Rev C and 22004 011 Rev C.

Procedural Matter

2. The Council's description of development has been adopted for reasons of clarity.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The proposed development includes the erection of a single storey full width extension projecting about 5 metres from the rear elevation of a semi-detached dwelling. The proposed extension would replace, in part, a single storey conservatory which has a tapered side elevation. By reason of its depth, the

appeal scheme would exceed the 3.5 metres referred to in the Council's *Residential Design Guide Supplementary Planning Guidance* (RDG) as the maximum depth for single storey rear extensions. However, this guidance is indicated in the RDG to principally exist to limit potential harm to the living conditions of the occupiers of neighbouring properties but this is not the basis of the Council's reason for refusal.

5. By reason of the tapering form of the conservatory, the appeal scheme is stated to be incapable of being erected as permitted development under the prior approval procedure. However, as claimed by the appellant, some form of addition up-to 6 metres in depth could be erected to the rear of the property albeit not the same width as the proposed extension. In the absence of any details about what addition might be capable of being erected under the prior approval procedure, only moderate weight is given to this matter in the determination of this appeal.

6. The appeal scheme would be visible from the public open space which is located to the rear of the property. It would also be visible from neighbouring gardens. It was noted from the open space and the property's garden that additions have been erected to the rear of other dwellings. These rear additions are of varying depths and designs rather than being consistent in their appearance. Alongside roof extensions, they are part of the pattern of development to the rear of the dwellings fronting Riverdene and contribute to the varied character of the surrounding residential area.

7. When viewed from the open space, the proposed development would be seen against the context of the host property and the other rear additions. There would be a similar view from the neighbouring gardens albeit these views would be partially restricted by changes in the ground levels, the boundaries between gardens, landscaping in garden and the additions to other dwellings.

8. As such, the siting, scale and massing of the appeal scheme would not result in a visually incongruous or conspicuous form of development within the context of the surrounding residential area. Further, and considering the erection of the rear dormer and the size of the rear garden, the proposed extension would not appear a disproportionate addition that would visually dominate either the host property or the plot. Although only given moderate weight, any addition to the rear of the property erected pursuant to the prior approval procedure would have a similar appearance when seen from the same viewpoints.

9. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would not conflict with Policy D3 of the London Plan, Policy CS5 of Barnet's Local Plan Core Strategy Development Plan Document and Policy DM1 of Barnet's Local Plan Development Management Policies Development Plan Document. Amongst other matters these policies promote high quality development which respects and responds to local characteristics, context and distinctiveness.

Conditions

10. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of certainty, a condition is necessary to secure the erection of the proposed extension in

accordance with the submitted drawings. This condition also extends to the choice of external materials which are specified on these drawings because this will assist with the assimilation of the appeal scheme into the surrounding area.

11. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR