
Appeal Decision

Site visit made on 6 June 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2023

Appeal Ref: APP/N5090/D/23/3316289

46 Finchley Park, North Finchley, Barnet, London N12 9JL

- 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 Ms Rebekah May against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/5060/HSE, dated 13 October 2022, was refused by notice dated 13 December 2022.
 - The development proposed is described as the erection of a part single, part 2-storey rear extension including 2no rooflights; pitched roof to first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a part single, part 2-storey rear extension at 46 Finchley Park, North Finchley, Barnet, London N12 9JL in accordance with the terms of the application Ref 22/5060/HSE, dated 13 October 2022, subject to the conditions set out in the schedule to this decision.

Procedural matter

2. While the appellant has described the proposal as in the above heading, the Council has referred to it as a part single, part 2-storey rear extension. As the submitted plans do not show new rooflights, I consider that the Council's description more accurately reflects the development sought. For clarity and certainty, I have used the Council's description of development in my decision.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

4. The appeal property is a 2-storey mid-terrace dwelling with a ground floor and first floor rear projection that lies within a mainly residential area. It forms part of a terrace of 4 dwellings, which is referred to as The Croft and is locally listed. As a historic building with architectural and visual merit, I share the Council's opinion that The Croft is a non-designated heritage asset (NDHA).
5. In weighing applications that directly or indirectly affect NDHAs, the National Planning Policy Framework (the Framework) states that a balanced judgement will be required having regard to the scale of any harm or loss and the

significance of the heritage asset. Policy DM06 of Barnet's Local Plan (Development Management Policies) (DMP) is consistent with this approach.

6. To my mind, the significance of The Croft as a NDHA is principally derived from the front elevation of the terrace. When seen from the road, No 46 is one of a matching central pair of 2-storey cottages with 4 narrow picturesque gables set into an otherwise unbroken pitched roof with tall chimneystacks. On either side of this pair, the end 2-storey cottage has a wider elevation facing Finchley Park and a narrower roof that extends deeper into the plot. In combination, it is the traditional style, consistent form, attractive detailed design, and the cohesive street frontage of The Croft that is locally distinctive and which positively contributes to its heritage value.
7. There is greater variation in the built form at the rear of The Croft largely due to various extensions and external alterations including replacement windows that have been carried to the individual properties. As a result, the rear of the terrace has an irregular profile with 1 and 2-storey projections that differ markedly to each other in scale, design, fenestration and general appearance.
8. As the proposed extensions would be at the back of the host building, away from the road, the appeal scheme would have no discernible effect on the character and qualities of the appeal dwelling or The Croft in the local street scene. Consequently, the key features of No 46 and the terrace from which its heritage value is mainly derived would be unaffected by the proposal.
9. At the rear, the new additions would significantly add to the scale and mass of the existing dwelling with sizeable, pitched roof extensions at first floor level. With 2 such projections that differ in length and are set back to different extents from the rear of the new ground floor addition, the finished dwelling would have a stepped rear profile that would set it apart from other properties within the same terrace. However, the rear elevation of The Croft is varied such that any strong sense of uniformity or consistency in built form or in the type of fenestration has been significantly diminished. As large projections and modern style windows are an existing feature to the rear of The Croft, the proposal would not be discordant, obtrusive or an uncharacteristic addition.
10. It is true that the first floor of the existing rear projection of No 46 would be elongated to almost match that of the attached end cottage. In doing so, the staggered layout of the terrace would be altered. However, no visual disharmony would result since the appeal scheme would be seen in the context of the other two properties in the same terrace that have longer and even more prominent 2-storey rear projections than the proposal. If anything, there would be a benefit in that the new built form would partly mask and so subdue the sizeable flat roof rear projection of the attached central cottage that contributes little positively to the character and qualities of the terrace.
11. The Council's Supplementary Planning Document, *Residential Design Guidance* (SPD) states that rear extensions should normally be designed so as to appear 'subordinate' to the original house. While the size of the proposal means that it could not reasonably be described as such, the SPD acknowledges that the advice within it does not cover every eventuality. Furthermore, the inclusion of the word 'normally' implies that at least some flexibility can be applied to this aspect of the guidance to reflect local circumstances. In this case, the proposal would be a proportionate and sympathetic addition. As such, a conflict with some of the advice in the SPD is insufficient to withhold planning permission.

12. On the main issue, I conclude that the proposed development would be in keeping with the character and appearance of the host building and the local area. The significance of No 46 and The Croft as a NDHA would be protected. Accordingly, there is no conflict with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy), DMP Policies DM01 and DM06 or the SPD. These policies and guidance aim to ensure that development respects the local context, preserves or enhances local character; and protects heritage assets in line with their significance.
13. In reaching this conclusion, I note that planning permission was previously granted for a rear extension to No 46 although full details have not been provided. Consequently, it is difficult to compare the proposed development with the approved scheme in a full and meaningful way. In any event, I have assessed the proposal on its own merits and find it to be acceptable for the reasons given.

Conditions

14. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building, as proposed. These conditions reflect those set out by the Council in the completed appeal questionnaire.
15. The Officer's report puts forward two further conditions if the appeal were to be allowed. These extra conditions would restrict the use of the new flat roof and remove permitted development rights that would otherwise allow additional windows and doors in the flank walls of the extensions. However, the modest depth of the new flat roof would restrict its potential future use. Similarly, the new sidewalls would not realistically provide sufficient space for any further windows to be inserted. As neither of these additional conditions are necessary to make the development acceptable, they have not been imposed.

Conclusion

16. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 46FP-101, 46FP-102, 46FP-103, 46FP-104, 46FP-105, 46FP-106 and the Location Plan, which shows the site edged red.
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.