



Appeal Decision

Site visit made on 2 May 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2023

Appeal Ref: APP/N5090/W/22/3313794

Ground Floor Flat, 18 Claremont Road, Cricklewood, London NW2 1BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Joshua Moran against the decision of the Council of the London Borough of Barnet.
- The application Ref 21/4417/S73, dated 5 August 2021, was refused by notice dated 4 October 2022.
- The application sought planning permission for: 'Conversion of existing flat into 2no self-contained flats [and] single storey rear extension.' without complying with a condition attached to planning permission Ref 21/2272/FUL, dated 6 July 2021.
- The condition in dispute is No1 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans:
Location & Block Plan
A 01, A 02, A 03, A 04, A 05, A 06, (21.04.2021).
- The reason given for the conditions is: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site at 18 Claremont Road comprises a terraced property converted into flats, and its garden. The proposal relates to the ground floor accommodation, which has permission for conversion into two flats. The amended plans seek to change the internal layout and increase the rear extension.
3. The proposal would increase the length, overall roof height and footprint of the approved scheme. The Council's two reasons for refusing to vary the condition relate to the increase in scale of the development and the resultant effect upon the character and appearance of the area and the living conditions of the adjacent occupiers at No 17.
4. Based on the above, the main issues in this appeal are the effects that varying the condition would have on:
 - the character and appearance of the area and host property; and

- the living conditions of the occupiers of 17 Claremont Road, with particular regard to daylight and outlook.

Reasons

Character and appearance

5. Although not a listed building, nor within a conservation area, No 18 forms part of a terrace of a consistent and good quality character. The long back gardens contribute to the spacious quality and character of the area viewed at the rear of properties.
6. The proposed rear extension would have a complete flat roof; largely filling the width of the plot. The overall mass would increase with the roof no longer pitching down to one side, as currently approved. The increased length and entirely flat roof, at three metres high, would be a more dominant and obtrusive addition. Compared to the approved scheme, the plans would be less sympathetic with the traditional character and appearance of the building and rear view of the terrace. Although the proposed development would remain subordinate to the host building, it would project further into the garden than approved, thus eroding more of the spacious quality at the rear of the terrace.
7. I have been provided with aerial examples of other extensions on Claremont Road. I can see from these that the rear building line is not uniform and there are large extensions at the adjacent and nearby properties. However, the Council suggests the proposed development would become the deepest extension within the immediate area, and its evidence backs this up. At the rear of the terrace, the proposal has no impact on the street scene and more publicly accessible views. Nevertheless, the long back gardens form part of the spacious character to this area as perceived from rear aspects which the proposal would harmfully undermine.
8. From the evidence before me the design of the examples shown do not appear to be exactly comparable to the appeal proposal either. Some of the examples appear to have hipped roofs, or the host building has a rear outrigger. Some extensions therefore are more in keeping with the traditional character of the host dwellings, or elsewhere their overall massing is broken up to reduce over-dominance. Therefore, these examples provide limited justification for the large, flat roofed addition now proposed.
9. Drawing these factors together, I conclude that condition 1 is reasonable and necessary to protect the character and appearance of the area and the host building. The level of harm would be relatively localised and would not affect the front streetscene. Nevertheless, the proposal would exacerbate the cumulative impact of additions and add harmfully to the incremental erosion of the open character the combined rear gardens provide.
10. Consequently, the proposal would conflict with policies CS1 and CS5 of the Barnet Core Strategy of 2012 (CS) and Policy DM01 of the Development Management Policies of the same year (DM). These policies seek, amongst other things, to ensure that development proposals are of a high standard of design and are attractive to look at. The proposal would also be contrary to the Council's Residential Design Guidance Supplementary Planning Document 2016 (SPD) which seeks to ensure that the scale and form of extensions respect or

complement those of the host dwelling and the character and appearance of the area.

Living conditions

11. The Council finds no material harm to the living conditions at No 19, and I find no reason to disagree. However, the main part of the proposed extension, beyond the smaller courtyard, would be close to the side boundary with the other neighbouring property to the other side at No 17. The boundary hedging referred to in the appellants statement had been removed at the time of my site visit and replaced by lower height fencing. From my observations and reviewing the height of the proposal relative to the adjacent fence, at three metres the proposed extension would be significantly higher than this boundary treatment. It would also extend several metres beyond the rear of No 17.
12. Whilst I appreciate an extension was approved with a similar footprint and position, as noted above, the overall massing adjacent to the boundary was significantly different. The height of previously approved extensions was lower, with a lean-to roof sloping away from the garden and windows of No 17. By contrast, the side elevation to the proposed extension would also be higher, longer and reveal a greater mass than the approved development.
13. There would be no appreciable loss of the daylight or sunlight received at No 17, nor would the height of the proposal completely block views of the sky. Nevertheless, the extension would now be more prominent in peripheral views from the rear windows and adjacent area of rear garden of No 17. Despite there being no written objections to the proposal from the current occupiers at No 17, this does not alter my view that the proposal would have an overbearing impact on the outlook from this neighbouring property, diminishing the quality of the living conditions provided.
14. Therefore, condition 1 is also necessary and reasonable to secure plans which provide for acceptable living conditions for the occupiers at No 17, in respect of outlook. Varying condition 1 to permit the amendments proposed would conflict with policies CS1, CS5 and DM01. These seek to ensure appropriate design and to protect living conditions for occupiers of adjoining properties. The proposal would not safeguard residential amenity, and therefore would not fulfil the guidance within the SPD.

Balance and Conclusion

15. Although the appellant has sought to improve accommodation for future occupiers, the current plans already meet the nationally prescribed space standards and so the scheme benefits are small in this regard. Furthermore, it has not been clearly explained how the amended design would minimise disturbance to the structure and fabric of the host building, thereby providing any discernible public benefit. These small benefits do not outweigh the harm I have found.
16. The appellant has also drawn my attention to various supporting paragraphs of the National Planning Policy Framework. However, I am mindful of paragraphs 130 and 135 which seek a high standard of amenity for existing and future users and that the quality of approved development is not materially diminished as a result of permitted changes.

17. The proposal conflicts with the development plan when considered as a whole and material considerations do not indicate departing from this. It is therefore reasonable and necessary to retain condition 1 in its current form and so the appeal is dismissed.

K Williams

INSPECTOR