



Appeal Decisions

Site visit made on 30 August 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2023

Appeal A: Appeal Ref: APP/N5090/W/23/3314309
26 Portsdown Avenue, London NW11 0NG

- 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 Andrew Tesler against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/1783/FUL, dated 4 April 2022, was refused by notice dated 29 November 2022.
 - The development proposed is demolition of existing house and the erection of a new 2 storey house with mansard roof (including retention of the two storey wall and chimney stacks on the boundary with 28). Associated refuse storage and off-street parking.
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Appeal B: Appeal Ref: APP/N5090/W/23/3318765
26 Portsdown Avenue, London NW11 0NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andrew Tesler against the Council of the London Borough of Barnet.
 - The application Ref 23/0200/FUL, is dated 16 January 2023.
 - The development proposed is demolition of existing house and the erection of a new 2 storey house with mansard roof (including retention of the two storey wall and chimney stacks on the boundary with 28). Associated refuse/recycling storage and off-street parking.
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Decisions

Appeal A: Appeal Ref: APP/N5090/W/23/3314309

1. The appeal is dismissed.

Appeal B: Appeal Ref: APP/N5090/W/23/3318765

2. The appeal is dismissed and planning permission for "demolition of existing house and the erection of a new 2 storey house with mansard roof (including retention of the two storey wall and chimney stacks on the boundary with 28). Associated refuse/recycling storage and off-street parking" is refused.

Preliminary Matters

3. I have taken the description of the developments from the Council's decision notices and the appeal forms as these accurately represent the proposals.

4. The proposals are located on the same site. I have therefore considered the appeals in a single decision letter to avoid repetition. However, I have considered each appeal on its individual merits.
5. Subsequent to submitting the appeals, the appellant has provided details of a planning permission for development at 24 Portsdown Avenue. These details have been passed to the Council and it has had the opportunity to comment on them.

Background and Main Issues

6. Appeal B was submitted following the Council's failure to give notice of its decision within the prescribed period. In its Appeal Statement, the Council has indicated the decision it would have made had it been in a position to do so.
7. On the basis of the evidence submitted in respect of both appeals, the main issues are the effect of the proposals on the:
 - Character and appearance of the streetscape; and
 - The living conditions of residents of 24 Portsdown Avenue with regards to outlook and light.

Reasons

Character and Appearance

8. The appeal site is part of a pleasant suburban area characterised by detached and semi-detached dwellings. Although there is a variation in the designs of dwellings in the area, the appeal site and its immediate neighbours have largely retained a distinctive roof form facing onto the street consisting of stepped back hipped roofs.
9. In respect of Appeal A, the roof form of the new dwelling would consist of a mansard roof with a steep pitch that would not respect its immediate neighbours. When viewed from the front of the site, this roof design would appear as a bulky and overdominant feature that would contrast uncomfortably with the neighbouring dwellings. The stepped back hipped roof design of the adjacent dwellings would enable views of the scale of the roof of the proposal and which would increase its obtrusive appearance.
10. Appeal A would use 2 double-height bay windows with hipped roofs which would replicate the existing single bay feature. However, the use of symmetrical bays on a detached dwelling are not a characteristic of this part of the streetscene, and this would add to the incongruous appearance of the proposal.
11. With regard to Appeal B, this would also use a mansard roof design. In comparison to Appeal A, the pitch of the roofslope would be shallower and the proposal would have a single double-height bay to the front. However, the reduction in the pitch of the roof would do little to mitigate for the unacceptable bulk and massing of the roof in stark contrast to the neighbouring properties, and this proposal would also appear as an obtrusive feature within the streetscape.
12. In respect of both appeals, the projection of the building to the rear would be a significant distance beyond the main rear elevation of the extant dwelling. The

rear building line is not particularly well defined as there are a mixture of rear extensions and outbuildings projecting into the rear gardens. The upper floor of the proposals would also be set back from the ground floor. However, even having regard to those factors, the projection to the rear would be excessive and the proposals would lead to an obtrusive and overdominant building in views from the rear of nearby properties.

13. The appellant refers to the outbuilding within the rear garden of 28 Portsdown Avenue, which projects further to the rear than the appeal proposals. However, this single storey outbuilding is clearly subservient to the host dwelling, and does not set a precedent for projections of the scale which would result from the appeal proposals.
14. The appellant also refers to 30 Portsdown Avenue which has had a number of extensions including to the roof and the front elevation. However, the Council has specified that the extensions to No 30 were not undertaken in accordance with the approved plans, although they may now be immune from enforcement action. In any event, notwithstanding the circumstances that led to the construction of extensions at No 30, the building I observed served to confirm the harm that can arise from poorly designed extensions in this location, particularly those to the roof.
15. There are also a mixture of designs of dwelling elsewhere on Portsdown Avenue and St Andrews Road, including some which have been recently built or are under construction. The newly constructed dwellings on Portsdown Avenue are of a significant scale, although their roof design reflects gable features on their adjoining and facing neighbours which mitigates the scale of the roofs within the streetscape.
16. The dwellings on St Andrews Road served to confirm the bulk and prominence of buildings which have a similar roof form as the appeal proposals. However, the use of a similar roof form and pitch on adjacent sites mitigated the potentially incongruous appearance of these dwellings to a degree. Furthermore, although these dwellings are visible from the front of the appeal site across an area of tennis courts, they are distinctly separate from the site and this streetscape, and do not set a prevailing context for the appeal proposals.
17. I have had regard to the extensions permitted at 24 Portsdown Avenue. However, these extensions are not of a scale and design that would alter the appearance of the host site in a similar manner as the developments which would result from the appeal proposals.
18. The appellant has referred to properties in other locations in the wider area. However, I have not been given specific details of these properties or how their circumstances are a direct parallel to the appeal site. These other properties therefore do not negate the harm I have identified, and in any event I have considered the appeal proposals on their own merits.
19. Drawing the above together, despite the varied context of the wider area, the appeal proposals would lead to significant harm to this part of the streetscape due to their scale, massing and design. The proposals would therefore be contrary to the design and character requirements of Policy D3 of the London Plan 2021, Policy C5 of the Core Strategy 2012, and Policy DM01 of the Development Management Policies 2012 (the DMP). The proposal would also be

contrary to the advice of the Residential Design Guidance 2016 (RDG) with regards to the consideration of local character.

Living Conditions

20. Both proposals would result in a significant projection of built development beyond the rear of the extant dwelling.
21. Due to the scale and projection of the proposals, this would have an overdominant and unduly enclosing relationship with existing ground floor windows on the rear elevation of No 24. This would be the case even allowing for the set-back of the proposals at first floor level. Due to the scale and arrangement of the proposals, I also consider that they would lead to a significant loss of daylight and sunlight to the closest windows on the rear elevation of No 24.
22. The appellant has provided comments from a consulting engineer on the relationship with No 24. However, these comments are only set out in general terms and do not represent a robust evaluation of the effect of the proposals on No 24 in respect of light or outlook. Moreover, in respect of light, the assessment only addresses the north facing windows to the front of No 24 and not those on the rear elevation. The evidence provided by the appellant does not therefore lead me to a different conclusion based on what I have seen and read.
23. I have had regard to the details of the recently approved extensions at No 24. The projection of the approved extension to the rear at ground floor level would mitigate for the overbearing effect on the outlook from the rear ground floor windows. However, the effect on the first floor rear windows would be similar as that relating to the extant dwelling of No 24. The proposal may also have a detrimental effect on the light reaching the windows of the extended No 24, including a rooflight serving a room within the approved extension.
24. The owner of No 24 has not objected with regard to the effect on their living conditions, and has written in support of the design of the proposals. However, this does not lead me to a different conclusion on the proposals based on my own observations.
25. I conclude that due to their scale and arrangement, both proposals would lead to significant harm to the living conditions of residents of No 24 with regards to outlook and light. The proposals would therefore be contrary to the housing quality and amenity requirements of Policy D6 of the London Plan and Policy DM01 of the DMP. The proposals would also be contrary to the advice of the RDG and the Sustainable Design and Construction SPD in respect of residential amenity and quality of life.
26. I find no conflict with Policy CS5 of the Core Strategy as this does not address matters of amenity, but this does not negate my conclusions on this issue.

Other Matters

27. I have had regard to the comments made in support of the proposals, including in respect of the design and the provision of larger family accommodation. I am also mindful that the proposals would provide accommodation for the appellant's family. But these matters do not negate my conclusions based on what I have seen and read and the significant harm I have identified.

Conclusion

28. I conclude that both Appeal A and Appeal B should be dismissed.

David Cross

INSPECTOR