



Appeal Decision

Site visit made on 18 September 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2023

Appeal Ref: APP/N5090/D/23/3323553

11 Arkley Lane, Barnet EN5 3JR

- 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 Alun Marriott against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/0350/HSE, dated 26 January 2023, was refused by notice dated 23 March 2023.
 - The development proposed was originally described as single storey rear extension including a balcony at first floor rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension including a balcony to first floor rear elevation with associated privacy screening at 11 Arkley Lane, Barnet EN5 3JR in accordance with the terms of the application Ref 23/0350/HSE, dated 26 January 2023, and the plans submitted with it, subject to the attached schedule of conditions.

Preliminary Matters

2. The description of development in the formal decision above has been taken from the appeal form and decision notice. This is because it is a more accurate reflection of the development for which permission is sought, than that given on the application form.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. No 11 is a large, detached dwelling set within a spacious plot. The existing dwelling has existing rear projections, of approximately 1 metre, from the lounge, kitchen and a bedroom. No 11 has a large patio area to the rear of the

- dwelling which sits higher than the lawn area. The proposed extension would be located on the patio area and would replace the existing rear projections.
5. Policy DM15 of the Barnet's Local Plan: Development Management Policies (2012) (DMP) states, amongst other things, that development proposals in the Green Belt are required to comply with the Framework, and extensions to buildings in Green Belt or MOL will only be acceptable where they do not result in a disproportionate addition over and above the size of the original building or an over intensification of the use of the site.
 6. Policies CS1 and CS7 of the Barnet's Local Plan: Core Strategy (2012) (CS) also seek to protect the Green Belt. In addition, Policy G2 of The London Plan (2021) (LP) states that the Green Belt should be protected from inappropriate development and development proposals that would harm the Green Belt should be refused except where very special circumstances exist.
 7. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Under section c) of that paragraph an extension to a building will not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
 8. The Framework defines an original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The development plan does not contain more detailed policies relating to replacement dwellings in the Green Belt, or the definition of an original building.
 9. The Framework and local planning policies do not specify what might be considered a disproportionate addition over and above the size of the original building. However, the Council highlight that the Residential Design Guidance SPD (2016), in relation to extensions in the Green Belt, states that as a guiding principle the volume of the original dwelling should not be increased by more than 25 percent by external measurement in order to protect openness.
 10. The Council state that the increase in the volume from the original dwelling to the existing dwelling plus the additional single storey rear extension would greatly exceed the volume allowance of 25%. Furthermore, they set out that the volume of the original building is approximately 96 cubic metres, the existing site is approximately 180 cubic metres, which they state equates to a 53% increase prior to the addition of this extension.
 11. In contrast, the appellant sets out that the proposed development would result in a 6% increase. This increase relates to floorspace, rather than volume, between the existing and proposed size of the dwelling. Furthermore, the appellant has drawn my attention to pre-application advice for a larger extension where the Council confirmed that the property had not been extended in the past and therefore the 25% increase as a guideline would be acceptable.
 12. The existing dwelling replaced a previous dwelling. I have limited information before me regarding the previous dwelling. The replacement dwelling would have satisfied applicable Green Belt policy at that time. The existing dwelling appears as a two-storey building, but it has four floors as it includes a large basement as well as accommodation within the roof. Based on the evidence

presented and having regard to the definition of 'original building' in the Framework, in this case, the original building is the replacement dwelling, as originally built.

13. Considering the size of the existing dwelling, which has four floors, and the floorspace calculations by the appellant, I am not satisfied that the volume calculations provided by the Council are correct. The proposed development would not add significant volume to the existing building and would result in a modest increase in floor area which would not significantly increase the bulk and massing of the dwelling. Taking into account the size of the original building (i.e. the replacement dwelling), and the size of the extension, the proposed development would not result in disproportionate additions over and above the size of the original building. Thus, the proposal would not greatly increase the cumulative impact of the site or result in an over intensification of the use of the site.
14. For these reasons and based on the evidence submitted, taking into account the overall size increase in terms of volume and external dimensions (as well as considering floorspace), the proposed development would not result in disproportionate additions over and above the size of the original building. Consequently, it would comply with Policies CS NPPF, CS1 and CS7 of the CS, Policies DM01 and DM15 of the DMP, Policy G2 of the LP, paragraph 149 c) of the Framework and the overarching aims of the SPD. Accordingly, the proposal would not be inappropriate development in the Green Belt.
15. The Council considered the proposal against exception paragraph 149 d) of the Framework. This exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The proposal is for an extension rather than a replacement building. Therefore, this exception is not relevant to the proposal before me. In any event, I have found that the proposal would comply with paragraph 149 c) of the Framework.

Openness

16. As I have found that the proposed development would not be inappropriate development in the Green Belt, there is no requirement for a subsequent assessment of the effect of the development on the openness of the Green Belt, or the impact on Green Belt purposes.

Other considerations

17. Given that the proposed development would not amount to inappropriate development in the Green Belt, there is no need for me to assess other considerations, and whether very special circumstances exist to justify the development.

Other Matters

18. I have considered the other matters raised in objection comments. The concerns relate to harm to character of the area and living conditions (including through loss of light, outlook, privacy), detriment to health and wellbeing, construction disturbance, drainage and run off issues resulting in flooding, reference to previous applications, party wall issues, and developers.
19. The proposed extension, and balcony, would be situated to the rear. The boundaries to the rear of the dwelling are bounded by mature trees and

hedgerows which would screen the development. The development therefore would not be conspicuous from public vantage points. The size and scale of the proposal would respect the dimensions of the existing dwelling and garden space. Dwellings along Arkley Lane vary in terms of design, scale and massing. Thus, I am satisfied that the proposed development would not cause harm to the character and appearance of the host dwelling and surrounding area.

20. No 11 sits at a higher level than the dwellings towards the north (including No 15). There is a reasonable gap between the host dwelling and nearby dwellings. Furthermore, the existing boundary treatment (trees and hedgerows) would provide some screening. The drawings show 1.8m high privacy screens are proposed to the balcony. This could be secured by a planning condition.
21. A neighbour has highlighted that building works have been persistent over recent years. The appellant asserts that this is partly due to COVID-19, the proposed works require no excavation as the foundations are already built, and construction works would take no longer than 3 months.
22. Taking into account the modest size of the extension, gap to neighbouring dwellings, existing boundary treatment and a planning condition relating to the privacy screens, the proposed development would not have an unacceptable effect on the living conditions of nearby occupiers, including their health and wellbeing. The proposed development would not be unacceptable in terms of light, outlook, privacy or overlooking. The proposal is for a relatively small development, and the construction period would be short term. Furthermore, to limit disturbance to nearby occupiers, a planning condition relating to construction hours could be attached.
23. The appellant states that the water treatment and basement drainage system have been replaced, including a new water management system. Taking into account the scale of the proposal which would be situated on an area which is currently paved, I am satisfied that the development would not be unacceptable in terms of drainage and flooding.
24. I note the comments regarding previous applications, retaining walls and party wall issues (which appears to have been resolved through a party wall survey). Nonetheless, these matters would not justify withholding planning permission.
25. There is concern that permitting the extension would encourage developers to continuously enlarge properties and push the building lines further. However, each development proposal must be considered on its own merits. Whilst I have found this scheme to be acceptable, it does not follow that developments would be permitted elsewhere in the local area.
26. The Council has not raised any concern in relation to the other matters raised. Consequently, for the reasons given above and subject to appropriate conditions, there is no credible evidence before me that would lead me to an alternative conclusion to the Council on the other matters raised, or that could justify the dismissal of the appeal on these grounds.

Conditions

27. I have assessed the Council's suggested conditions (including those highlighted in the delegated report). In light of guidance found in the Planning Practice

Guidance and where necessary the wording has been amended for clarity and precision.

28. It is necessary to attach a condition specifying the approved plans as this provides certainty. A condition relating to materials is also necessary to preserve the character and appearance of the area. Furthermore, in the interests of the amenity of neighbouring occupiers, conditions relating to the privacy screens and restricting construction hours are necessary.

Conclusion

29. For the reasons given above, the proposal would not be inappropriate development in the Green Belt. Having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

L Wilson

INSPECTOR

SCHEDULE OF 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: AL.OB.01 (ORDNANCE MAP, BLOCK PLAN), AL.PP.00 (PROPOSED BASEMENT PLAN), AL.PP.01 (PROPOSED GROUND FLOOR PLAN), AL.PP.02 (PROPOSED FIRST FLOOR PLAN), AL.PP.03 (PROPOSED SECOND FLOOR PLAN), AL.PP.04 (PROPOSED ROOF PLAN), AL.PE.01 (PROPOSED FRONT AND SIDE ELEVATION), AL.PE.02 (PROPOSED REAR AND SIDE ELEVATION), AL.PS.01 (SECTION A), AL.PS.02 (PROPOSED SECTION B), AL.PS.03 (PROPOSED SECTION C).
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials specified in the submitted Application Form and shown on plan nos. AL.PE.01 (PROPOSED FRONT AND SIDE ELEVATION), AL.PE.02 (PROPOSED REAR AND SIDE ELEVATION).
- 4) Notwithstanding the details shown on the approved plans, before the development hereby permitted is first occupied, details of the privacy screens to be installed to the balcony shall be submitted to and approved in writing by the local planning authority. The privacy screens shall be fitted in accordance with the approved details before the development is first occupied and retained as such thereafter.
- 5) Demolition or construction works shall take place only between 08:00 – 18:00 on Mondays – Fridays, 08:00 – 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.