

Appeal Decision

Site visit made on 6 November 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 30.11.2023

Appeal Reference: APP/N5090/D/23/3327314

17 Warwick Road, New Barnet, Barnet EN5 5EE

- 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. B. Gritz against the decision of the Barnet London Borough Council.
 - The application (reference 23/2431/HSE, dated 31 May 2023) was refused by notice dated 27 July 2023.
 - The development proposed is described in the application form as follows: "*part single, part two storey side and rear extension following demolition of the existing garage and store; new front driveway following associated landscaping works and removal of the wall*".
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Decision

1. The appeal is allowed and planning permission is granted for "*part single, part two storey side and rear extension following demolition of the existing garage and store; new front driveway following associated landscaping works and removal of the wall*", at 17 Warwick Road, New Barnet, Barnet EN5 5EE, in accordance with the terms of the application (reference 23/2431/HSE, dated 31 May 2023), subject to the conditions set out in the attached Schedule of Conditions.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings.

Reasons

3. The appeal site is located in a closely built-up part of New Barnet, within comfortable walking distance of local services and facilities and well served by public transport, including the railway station at New Barnet. The buildings in the area are mixed in age and style, and they include Victorian houses as well as more modern houses or flats.
4. The house at 17 Warwick Road is one of a pair of semi-detached houses (with number 19). The building is a conventional two-storey design, with rendered and painted external walls under a tiled roof. It stands at higher level than the

- road and footpath and is significant in the streetscene, without being unduly dominant. It has been altered over the years, however and the pair of houses is now asymmetrical.
5. As well as relatively minor differences (such as their porches), number 17 now has a large two-storey flat-roofed side extension on its south-east side. This has been built close to the side boundary with number 15, which is a detached Victorian house that presents a main gable to the road. The side extension at number 17 is set back from the front elevation but it is built up to the boundary and is plainly awkward and ungainly in its context.
 6. It is now proposed to substantially demolish the existing side extension and to construct a new extension at the side and rear of the property, part single-storey and part two-storey. Associated landscaping and other works would also be involved.
 7. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. The achievement of good design includes protecting existing residential amenities and providing good standards of accommodation.
 8. Policies in the Development Plan also share these basic principles. In particular, Policy D3 of 'The London Plan' (dated 2021) promotes a "design-led approach" to development and identifies some important design criteria, including the need for development to be of high quality. Policies CS1 and CS5 of 'Barnet's Local Plan (Core Strategy) Development Plan Document' (dated September 2012), and Policy DM01 of 'Barnet's Local Plan (Development Management Policies) Development Plan Document' (also dated September 2012) similarly focus on achieving high standards of architecture and urban design.
 9. The Council's 'Local Plan Supplementary Planning Document: Residential Design Guidance' (dated October 2016) is also relevant but it does not have the force of the statutory Development Plan.
 10. The existing side extension incorporates a bedroom on the first floor, with a garage and store on the ground floor. The first floor element is set well behind the front elevation of the main part of the building, while the rear part of the ground floor element extends beyond the rear of the remainder of the house, along the boundary with number 15.
 11. The proposed new extension would be larger than the existing side extension, of course. At the front of the house a two-storey section would be set back from the front elevation but to a lesser extent, while a single-storey element (with a flat roof) would align with the main part of the front elevation. The main part of the extension would have a pitched roof, in harmony with the original building.
 12. The front of the finished building would be roughly aligned with the main part of the neighbouring building at number 15. The flat-roofed element would be

finished with a parapet that would not be out of keeping with the surroundings and the proposed "store" would be provided with a large access door, similar in character to a standard domestic garage door. The proposed main pitched roof would be a considerable improvement on the existing flat roof in terms of its visual impact and architectural quality.

13. A large ground floor extension would be added to the rear of the existing house. This would present a flank wall on the boundary with number 15 that would be longer and higher than the existing wall on this boundary. Nevertheless, I am convinced that the new single-storey rear extension would not be overly dominant or intrusive in relation to its immediate neighbours or to the wider surroundings.
14. The rear part of the two-storey element of the new extension would be finished with a flat roof that would be somewhat ungainly in appearance, in my view. Even so, the effect on the side boundary would be similar to that of the existing building and the general appearance of the rear elevation would not be so incongruous or intrusive that a refusal of planning permission would be justified in this case (notwithstanding the terms of the Council's design guidance).
15. In short, I have formed the opinion that the effect of the proposed development on the character and appearance of number 17 Warwick Road and its surroundings would be acceptable in its context.
16. I am conscious that an alternative scheme has already been approved for the property but I have considered the proposed design that is the subject of this appeal on its own merits and I have found that it can also be permitted.
17. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed extension would be a useful addition to the accommodation at number 17 Warwick Road. The contribution that the appeal scheme would make to the provision of residential accommodation in the locality, even though it would be limited, weighs in favour of the appeal. I have concluded that the project would not be in conflict with the Development Plan, in principle, and I am persuaded that the scheme before me can be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
18. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of those suggested by the Council in the usual way (without prejudice to their main arguments in the appeal). I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained.
19. In the light of comments made and to avoid any ambiguity, I also consider that it is necessary for an additional condition to be imposed, to ensure that no balconies or roof terraces can be created on any part of the flat roofs of the new extension, to protect neighbours' privacy and to reflect the approved drawings (which refer to a "Juliet balcony").

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number WR17-1 (Existing Details (Plans));
 - drawing number WR17-2 (Existing Details (Sections/Elevations));
 - drawing number WR17-6 (Proposed Plans);
 - drawing number WR17-7 (Proposed Elevations).
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.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no part of any flat roof which forms part of the development hereby permitted shall be used as a balcony, roof terrace or amenity area of any sort without the express written approval of the local planning authority.