

Appeal Decisions

Site visit made on 18 October 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal A Ref: APP/N5090/W/23/3320921

1 Raydean Road, Barnet EN5 1AN

- 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 M Jagodzinski against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/5847/FUL, dated 7 December 2022, was refused by notice dated 27 March 2023.
 - The development proposed is described as – “Following the planning approval ref. 21/5860/FUL and ref several amendments to the scheme are proposed: A basement floor for a cinema room, plant and utility rooms, an enlargement of the living area at the rear of the property at ground floor level and a small addition of floor area on the first floor at the rear.”
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Appeal B Ref: APP/N5090/D/23/3320920

1 Raydean Road, Barnet EN5 1AN

- 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 M Jagodzinski against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/5794/HSE, dated 2 December 2022, was refused by notice dated 1 February 2023.
 - The development proposed is ground and first floor extensions to the rear of the property.
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Decision - Appeal A Ref: APP/N5090/W/23/3320921

1. The appeal is dismissed.

Decision - Appeal B Ref: APP/N5090/D/23/3320920

2. The appeal is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. They differ in that Appeal A is for a new dwelling located in the side garden of No 1 Raydean Road whilst Appeal B is for extensions to the existing dwelling at No 1. I have considered each appeal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

4. The decision notice at Appeal A describes the proposed development as the erection of a two storey dwelling with basement level. Associated refuse/recycling/cycle storage, landscaping in the side garden of No 1 Raydean Road and new vehicular access. This clarifies the proposal more accurately than the description above which I have taken from the application form.

Main Issues

5. The main issues for both appeals are the effect of the proposed developments on: -
 - the character and appearance of the host property and the surrounding area with regard to the locally listed buildings on the western side of Raydean Road; and
 - the living conditions of the occupiers of 1 and 3 Raydean Road by reason of outlook.

Reasons

Character & Appearance

6. Raydean Road is a cul-de-sac and No 1 is the end house in a row of flat roofed two-storey houses on the western side of the road. It is at the end of the cul-de-sac and has a wide side garden which tapers towards the rear.
7. The row is locally listed and described in the Council's listing as appearing as a terrace cleverly broken up to give the impression of semi-detached houses. Each pair is mirrored and originally flanked by garages on one side and a recessed first floor terrace on the other. Most of the houses are rendered and painted white. The listing states that they were completed in 1935, the date of the nearby Grade II Listed Odeon Cinema at the end of the road and are one of the few interwar developments in the International Style, rare in Barnet, and in striking contrast to the conventional 'Metroland' semi-detached properties opposite. The listing further describes Nos 1 to 15 as being in the austere geometrical manner of Le Corbusier ten years earlier and could almost pass for Dutch or German workers housing of the period.
8. The row of houses is designed in an unusual architectural style for the area and this helps to provide their significance as a non-designated heritage asset.
9. With regard to **Appeal A**, I note that planning permissions have previously been granted for a dwelling¹ and the appellant's case is mainly based on the differences between the approved scheme (Ref: 22/3067/FUL) and that subject to this appeal. The Council summarises these as comprising an externally accessed basement level; squaring off the single storey element along the boundary with No 1; an additional protrusion at first floor level of about 1.3 metres in depth; and larger windows to the rear, including a Juliette balcony at first floor level.
10. Although I see no harm with the proposed dwelling incorporating a basement, the external staircase to it would be an uncharacteristic feature in

¹ Planning Applications Ref: 21/5860/FUL & 22/3067/FUL

the garden and although its height above ground level would be modest it would appear as an odd feature protruding a considerable distance from the house. It would be visually prominent especially when lit during the evenings.

11. With regard to the proposed squaring off of the single storey element along the boundary with No 1, this would differ to the original stepped design of the existing row of houses. Although the stepped design has been eroded in some cases, it remains a characteristic of the properties in this row and not incorporating it into the design of a new house fails to respect the original design of the row of houses. Moreover, the depth of the proposed house would be greater than the others in the row and the additional protrusion of 1.3 metres at first floor level beyond that previously approved would be at odds with the general uniformity of the houses. Whilst I note that not all the houses are unaltered at first floor level, the Council states that these were approved before the houses were locally listed (e.g. No 13 on 2014 and No 25 in 2007). I do not consider that these earlier extensions alter the general character or form of the terrace as a whole to such a degree as to change the original design concept of the row of houses as a group.
12. The windows, and especially the Juliette balcony, would be totally out of character with the modest sized windows in these houses and would especially jar with the design characteristics of the houses. Whilst the appellant argues that Juliette balconies could be inserted under permitted development rights, there is no substantive evidence to show that this has occurred elsewhere along the row. As such, they do not form part of its character.
13. With regard to **Appeal B**, a previous application was approved for a single storey rear extension² and therefore, the first floor element is the main focus of the Council's concern in terms of this issue. As stated above, other examples of first floor extensions were approved before the houses were locally listed. Despite these, the general uniformity at first floor level is retained. This is characterised by the staggered rear building line to the rear of the properties which is generally mirrored throughout the group. By enlarging the house at first floor level, the symmetry generally prevalent throughout the group would be disrupted. The large areas of glazing and the Juliette balcony would be out of character for the same reasons as outlined above for appeal A.
14. Consequently, the proposals at **Appeal A** and **Appeal B** would be inconsistent with the character and appearance of the area and harmful to the significance of the heritage asset. As such the proposals would conflict with the aims of Core Strategy³ Policies CS1 and CS5 which, amongst other things, seek to ensure that new development respects local context and distinctive character, including locally listed buildings. The proposed schemes would also fail to meet the design objectives of Development Management⁴ Policy DM01 and would conflict with Policy DM06 which seeks to protect all

² Planning Application Ref: 22/3093/HSE.

³ Barnet London Borough – Barnet's Local Plan (Core Strategy) Development Plan Document September 2012.

⁴ Barnet London Borough – Barnet's Local Plan (Development Management Policies) Development Plan Document September 2012.

heritage assets in line with their significance. For the same reasons, the proposals would conflict with the Residential Design Guidance SPD⁵.

Living Conditions

15. With regard to **Appeal A**, the proposed dwelling would extend further out to the rear than No 1 and be very close to the boundary. Whilst the first floor would be set back from the shared boundary, the depth of this projection at ground floor level would appear overbearing and given its length and the additional height created by the first floor element, it would create a poor outlook from the rear of No 1. This is shown as a kitchen with patio doors to the garden and given that this is a long room with the only other window in the front elevation, the occupiers of No 1 would view a blank, long gable wall very close to the boundary. This would appear overbearing and as such harmful to the occupiers of No 1's living conditions.
16. I appreciate that should the previously approved extension to No 1, referred to above, be constructed the effect would be lessened. However, there is no guarantee that the extension to No 1 would be constructed and therefore I have considered the effect of the proposal on the basis of the existing situation.
17. With regard to **Appeal B**, a single storey extension has previously been approved by an earlier permission, as referred to above, however, the current proposal includes a first floor and this would project approximately 2 metres to the rear and be very close to the boundary with No 3. The combined ground floor and first floor would create a two storey flank wall which, due to its height and proximity to the boundary, would appear overbearing and create a poor outlook for the occupiers of No 3 thereby having a harmful effect on their living conditions.
18. Consequently, the proposals would conflict with Policy D3 of the London Plan⁶ and Development Management Policy DM01 in that they would fail to ensure an appropriate outlook for adjoining occupiers and be harmful to their amenity in terms of appearing overbearing. For the same reasons, the proposals would conflict with the SPD. Development Management Policy DM02 is also referred to but this is a general policy that refers to development standards as set out in other policies and documents.

Other Matters

19. The appellant has submitted combined drawings showing the proposed developments at Appeal A and Appeal B. Building both the proposed house and the two storey extension to No 1 would reduce the harm caused to the living conditions of the occupiers of No 1 arising from the construction of the new house. However, these are two separate schemes capable of being constructed independently of each other. There is no mechanism in place that would ensure that both were constructed together, therefore the harm that I have identified could still occur.

⁵ Barnet London Borough – Local Plan Supplementary Planning Document: Residential Design Guidance October 2016 (SPD).

⁶ Mayor of London The London Plan The Spatial Development Strategy for Greater London March 2021.

20. In any event, even if the two schemes were constructed at the same time, the harm I have identified in relation to both Appeal A and Appeal B on the character and appearance of the area and the locally listed buildings would still arise. Likewise, the harm to the living conditions of the occupiers of No 3 would still occur in relation to Appeal B.

Conclusion

21. I have found that both Appeal A and Appeal B would have a harmful effect on the character and appearance of the area, the host property and the surrounding area with regard to the locally listed buildings. Appeal A would have a harmful effect on the living conditions of the occupiers of No 1 and Appeal B would have a harmful effect on the living conditions of the occupiers of No 3. Consequently, for the reasons given above I conclude that both appeals should be dismissed.

J D Clark

INSPECTOR