



Appeal Decision

Site visit made on 23 January 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/N5090/D/23/3331545

17 Newark Way, Hendon, London NW4 4JG

- 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 Marczyk against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/2439/HSE, dated 2 June 2023, was refused by notice dated 31 July 2023.
 - The development proposed is to erect part single, part double side and rear extensions, front porch, new roof.
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Decision

1. The appeal is allowed, and planning permission is granted to erect part single, part double side and rear extensions, front porch, new roof at 17 Newark Way, Hendon, London NW4 4JG in accordance with the terms of the application Ref 23/2439/HSE, dated 2 June 2023, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. While the appellant has described the proposal as in the above heading, the Council has additionally referred new roof lights. From my inspection of the plans, I consider that the Council's description more fully reflects the development sought. I have assessed the proposal on that basis.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. The Framework does not raise any new matters that are determinative to the outcome of this appeal.

Main issue

4. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

5. The appeal property is a 2-storey detached house with a full width, flat roof ground floor rear projection that lies within a predominantly residential area. It addresses Newark Way along which dwellings vary in design, scale, and general appearance partly due to various extensions and external alterations that have been carried out. There is, therefore, considerable variety to the existing built form within the street scene and the local area to which No 17 belongs.

6. Although significant in size and mass, the proposal would take advantage of the good-sized plot with the new first floor side and rear elements set back from the walls below. This arrangement, coupled with the notable set in from the side boundary of the site, would visually 'break down' the scale and bulk of the new additions and maintain visual separation with the neighbouring properties on either side of the site. Consequently, when seen from the adjacent dwellings, the new side and rear extensions, which would wrap around a corner of the host building, would not appear overly bulky or too prominent.
7. With its flat roof and forward projection of the existing 2-storey bay, the proposed porch would be a visually strong feature in the new façade. That impression would be accentuated by the large front facing window in the new ground floor side extension just to one side. However, these elements of the proposal would be in keeping with the scheme's overall design approach, which is to extend and update the host building in its entirety to give it a more homogenous appearance and a contemporary feel. As a reasonable gap would separate the new porch and the existing front bay, no visual disharmony would result. Having regard to the scale, mass and design of the completed building, the new porch would be a proportionate addition that would add interest to the front façade and fit in with the new architectural style of the house.
8. The proposed roof, with its flat central section and hipped sides, would differ to the existing building and most other properties in the local area. Nevertheless, the completed house would continue to be set back from the road and the extent of the flat roof element would not be readily evident at ground level. From Newark Way and the rear of the site, the hipped roof slopes would be visible, and the overall roof form would be in proportion and in keeping with the style of the finished dwelling. Given the wide variety in roof styles of properties in the vicinity of the site this part of the appeal scheme would not look out of place.
9. Taken as a whole, the proposal would be a sizeable enlargement of the property. It could not reasonably be described as a subordinate addition, to which the Council's Supplementary Planning Document, *Residential Design Guidance* (SPD) refers. The scale and position of the extensions relative to the site's boundary would also be at odds with some of the advice in the SPD. However, the submitted design seeks to transform the property rather than introduce a subordinate addition. Although significant in scale and bulk, a reasonable gap would be maintained with the properties on either side with the new built form in place. To my mind, the proposal responds positively to the characteristics of the site and the local area, which is an approach that the SPD supports. For these reasons, I find that a conflict with some aspects of the guidance in the SPD is insufficient reason to withhold planning permission.
10. Taken overall, the appeal dwelling will have been significantly changed on all sides and at roof level. However, the finished building would be of high standard design that would be in keeping with the qualities and character of an individually designed detached house. To my mind, the completed dwelling would blend in among the varied built form that characterises the local area.
11. On the main issue, I conclude that the proposed development would be in keeping with the character and appearance of the local area. Accordingly, the proposal does not conflict with Policy D3 of The London Plan, Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) or Policy DM01 of Barnet's

Local Plan (Development Management Policies). These policies broadly aim to ensure that new development makes best use of land; represents high quality design; preserves or enhances local character; and respects local context.

12. In reaching this conclusion, reference is made to the Council's recent decision to grant planning permission for a development that the appellant considers to be similar to the proposal before me. The appellant also asserts that some of the roof level changes sought could be achieved through the exercise of permitted development (PD) rights. However, full background details and plans of the approved scheme have not been provided nor firm evidence of a PD compliant scheme. Consequently, I am unable to make a meaningful comparison between these alternative schemes and the proposal that has, in any event, been assessed on its own merits.

Conditions

13. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building. A condition is also imposed requiring that the new windows in the side elevations include obscure glazing and are fixed shut save for a fanlight to safeguard the living conditions of adjacent occupiers. The conditions listed in the schedule below reflect those suggested in the Officer's report, with amendments, for clarity and precision.

Conclusion

14. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan, when read as a whole. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 202225.P.6301, 202225.P.6302, 202225.P.6101, 202225.P.6102, 202225.P.6001 and 202225.P.6011.
- 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) The extensions hereby permitted shall not be occupied until the new windows in the side elevations facing 15 and 19 Newark Way have been fitted with obscured glazing, and no part of those windows that is less than 1.7-metres above the floor of the room in which it is installed shall be capable of being opened. Once installed, the obscured glazing shall be permanently retained thereafter.