
Appeal Decision

Site visit made on 20 February 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4TH March 2024

Appeal Ref: APP/N5090/D/23/3334445
18 Penshurst Gardens, Edgware HA8 9TP

- 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 Josh Morhaim against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/3100/HSE, dated 17 July 2023, was refused by notice dated 12 September 2023.
 - The development proposed is a revised plan for ground floor extension following approval ref. 23/1268/HSE with a maximum height of 2.91m and 2.5m at the boundary.
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Decision

1. The appeal is dismissed.

Procedural matter

2. 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 issues

3. The main issues are the effect of the proposed development firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of 16 Penshurst Gardens with particular regard to outlook, visual impact and sense of enclosure.

Reasons

Character and appearance

4. The proposal is to erect a ground floor extension at the back of the appeal property, which is a detached house of individual design within a predominantly residential area. Like several properties close to the site, No 18 has been extended and externally altered. Consequently, there is some variety to the existing built form in the area to which the site belongs.
5. By connecting with the existing ground floor rear projection, the proposal would result in a single storey extension across almost the full width of the host building. It would also project from the main 2-storey rear wall for a considerable depth close to the shared boundary between the site and the adjacent property, which is 16 Penshurst Gardens. In doing so, the proposal would significantly enlarge the footprint of the host building and noticeably add

to its scale and mass. That the flat roof element of the proposal would establish a visually strong horizontal line across the lower rear façade would accentuate the considerable bulk of the proposal.

6. In combination, the existing and proposed rear extensions would combine to visually dominate the rear façade and further distort the shape and proportions of the host building. The mix of rooflines proposed, with a flat component and a short mono-pitched roof alongside the boundary with No 16 would also appear contrived and unconvincing. It would relate poorly to the pitched and flat roofs of the existing house. The main outcome would be significant harm to the character and appearance of the host building.
7. The depth of the new addition would exceed the maximum of 4-metres for extensions of this type as set out in the Council's Supplementary Planning Document, *Residential Design Guidance* (SPD). Even so, the SPD provides guidelines only and, in my view, this limit is not intended to be applied rigidly nor does it cover every eventuality. That said, the SPD also advises that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. For the reasons given, the proposal would not adhere to these design principles.
8. From the information provided, the Council has recently approved a rear extension with a depth of 4-metres on the site. Although few details of the approved scheme have been provided, this description indicates that the proposal would be deeper and larger with a greater visual impact on the character and appearance of the host building. The existing rear projection also establishes a significant built form beyond the main rear wall of No 18. However, the effect of the proposal would be to significantly widen this extension and, in doing so, add disproportionate scale and bulk to the host building. I also note the appellant's opinion that an extension that results in a straight rear build line to the property will enhance the overall design.
9. I have taken into account the proposed use of external materials to match the existing building. I also acknowledge that the new rear addition would not be visible from the road. It would, however, be evident from the back garden of No 18 and the adjacent property, from which it would draw the eye as uncharacteristically large and unwelcome addition to the local area.
10. Reference is made to several planning decisions where the appellant says that the Council has approved rear extensions with a depth of more than 4-metres. Few background details of these schemes have been provided and so I cannot be certain that their circumstances are the same or very similar to those of the appeal scheme. In any event, a central principle of the planning system is that each development should be assessed on its own merits, as I have done.
11. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the host building and the local area. Accordingly, it conflicts with Policy CS5 of the Barnet's Local Plan (Core Strategy) (CS), Policy DM01 of the Barnet's Local Plan (Development Management Policies) (DMP) and the Council's SPD. These policies and guidance aim to ensure that development represents high quality design and preserves or enhances local character.

Living conditions

12. The new flank wall would be close to the external area at the back of No 16 and the upper part of the new addition would be evident when viewed both from here and through some of its rear-facing windows. In these views, the new extension would occupy a slightly elevated position relative the rear of No 16 due to the difference in ground levels.
13. Nevertheless, the new wall would project just above the top of the fence that currently marks the boundary between No 16 and the site. The top of the proposed roof would be higher although it would be set back from this boundary and the new roof slope would angle away from view when seen from the rear of No 16. The main direction of outlook from the rear windows of No 16, which is across the back garden of No 16 would be largely retained with the new built form in place. Furthermore, the presence of 2 outbuildings at the back of No 16 would also partly obscure views of the new development. While the proposed rear extension would be close to the rear of No 16, neither its height nor depth would cause it to dominate outlook, overbear nor unduly heighten a sense of enclosure on the occupiers of this neighbouring house.
14. On the second main issue, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of No 16. As such, it does not conflict with Policy D3 of The London Plan, CS Policy CS5, DMP Policy DM01 or the advice within Council's SPD insofar as they seek to safeguard residential amenity. My favourable finding on this issue does not outweigh the harm that I have identified in relation to the effect of the proposal on the character and appearance of the host building and the local area.

Other matters

15. There would be no appreciable loss of light to the back of No 16 if the appeal scheme were to proceed. However, this consideration does not outweigh the identified harm.
16. An interested party also raises several additional concerns including drainage and the use of the appeal property. These are important matters and I have taken into account all the submitted evidence. However, given my findings on the first main issue, these considerations have not been critical to my decision.

Conclusion

17. The proposed development would conflict with the development plan, as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
18. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR