



Appeal Decision

Site visit made on 14 May 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/N5090/W/24/3337093

Ground Floor Flat, 18 Claremont Road, Cricklewood, London NW2 1BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Joshua Moran against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/4700/FUL.
The development proposed is rear extension to ground floor flat and split existing flat into two flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Barnet's Draft Local Plan (DLP) is at Regulation 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Whilst not formally adopted, the DLP is at a stage in accordance with paragraph 48 of the National Planning Policy Framework (the Framework), and as such is a material consideration. The Council has not referenced any policies of its DLP in its refusal reason. As such, I have not determined the appeal against any of its policies.
3. The Framework was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.
4. Whilst existing plans submitted by the appellant do not reflect the site context, I am satisfied that the proposed plans show their intention with regard to the rear extension. I have therefore assessed the appeal based on the proposed plans and my observations on site.

Background and Main Issues

5. The appeal site (No 18) is a ground-floor flat, situated within a three-storey terraced property, subdivided into flats, within a predominantly residential area. No 18 has permission for conversion into two flats with a rear single-storey extension under planning permission Ref 21/2272/FUL approved on 6 July 2021.
6. The main issues are:
 - whether the proposed development would provide adequate living conditions for: a. occupants of 17 Claremont Road (No 17) with particular regard to outlook, b. existing and future intended occupiers of 18 Claremont Road (No 18), with particular regard to internal living space; and

- the effect of the proposed development on the character and appearance of No 18 and the surrounding area.

Reasons

7. To the rear of No 18 is a single-storey extension which projects approximately half the width of the property, set off the shared boundary with No 17. Single-storey rear extensions of varying heights, widths and projections are present within neighbouring properties.

Living Conditions of No 17

8. No 17 immediately adjoins the appeal site and has a stepped single-storey outrigger extending approximately across the full width of its rear wall. The element closest to the shared boundary is set back, stepping out closer to the immediate neighbour, No 15. Whilst the flank elevation is blank, the end elevations are not and contain windows and doors. The proposed extension would be close to the shared boundary with No 17 and would project significantly beyond its rear wall.
9. Whilst No 18 has extant permission for a similar proposal to that subject to the appeal, the Officer report states that the eaves height of that extension was lower than the current proposal with dense vegetation to the shared boundary. Even though the approved rear extension was shown to project beyond the rear of No 17, the combination of its lower eaves height, roof design and dense vegetation resulted in no significant impact on either the existing light levels, outlook or sense of enclosure for the occupants of No 17.
10. I appreciate that the height of the proposed extension closest to the shared boundary would be slightly higher than was approved, however, the gradient of the roof design would be steeper, and its design also includes an overhanging roof detail to the end which extends its overall depth. Given that the dense vegetation to the shared boundary has been removed, the additional height together with the overall length would be clearly visible above the shared boundary. The additional mass would therefore be more visually prominent in peripheral views from rooms within the rear of No 17 and upon the outlook of its occupants.
11. I conclude that the proposal would have a harmful effect on the living conditions of occupants within No 17, with particular reference to outlook. Accordingly, the proposal would be contrary to Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (Core Strategy) and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP), which collectively seeks to ensure development proposals should be designed to allow for adequate outlook for adjoining users. There would also be conflict with the Local Plan Supplementary Planning Document: Residential Design Guidance 2016 (RDG), which seeks, amongst other things, that the depth of the extension does not cause loss of outlook from principal windows of habitable rooms of neighbouring properties.

Living conditions of existing and future intended occupiers of No 18.

12. There is dispute between the main parties regarding the level of occupancy of Flat 1 and Flat 2. Whilst no furniture or storage is shown on submitted plans, the Gross Floor Area (GIA) of Flat 1 is approximately 41.7 sqm, and the GIA of Flat 2 is approximately 69 sqm. Given that the floor area of a flat determines the occupancy level, I have assessed the proposal based on Flat 1 being a 1 bed/1 person unit,

and Flat 2 being a 1 bed/2 person unit. From the evidence before me, both Flats would exceed the minimum GIA sought in Policy D6 of the London Plan for 1 bed/ 1 person and 1 bed/ 2 person.

13. The appellant has confirmed that the bedroom within Flat 2 would measure approximately 2.54 metres in width, which falls below the width set out in the RDG. However, given that the overall GIA of the flat would exceed the minimum GIA for 1 bed/2 persons, I am satisfied that there would be sufficient internal space for furniture and circulation space for its occupants and visitors. As such, the shortfall in width would not negatively impact existing or future intended occupiers' use and enjoyment of the accommodation or be as harmful as the Council contends.
14. I conclude that the proposed development would provide existing and future intended occupants of No 18 with adequate living conditions. This would accord with Policies D3 and D6 of the London Plan 2021, Policy CS5 of the Core Strategy and Policies DM01 and DM02 of the DMP, insofar as they seek to ensure development achieves indoor environments that are comfortable and inviting for people to use and which deliver appropriate amenity. There would also be no conflict with either the RDG or the Local Plan Supplementary Planning Document: Sustainable Design and Construction 2016 (SPD), which collectively seek to ensure that new housing is of adequate quality; and to provide a high standard of amenity for future occupiers.

Character and Appearance

15. No 18 forms part of a terrace of consistent and good-quality character. The long back gardens contribute to a sense of spaciousness when viewed from the rear. Despite single-storey rear extensions varying in width and projection, the prevailing character is that of shallow projections.
16. Whilst the proposed roof, subject to this appeal, would be similar to that of the approved scheme Ref 21/2272/FUL, its pitch would be steeper. The overall massing and increased length would be more dominant and obtrusive than previously approved.
17. Even though the single-storey extension would be viewed as subordinate in height alone when viewed against the three-storey property and an area of the garden would be retained, the combination of the proposed width and overall projection, would nevertheless erode the spacious quality which currently exists.
18. I have been provided with aerial imagery of a number of other extensions on Claremont Road, which I have been told exceed 10 metres in depth, and photographs of extensions to the rear of Nos 19 and 20. It is clear that the rear building line is not uniform and there are large extensions to nearby properties. However, I have not been provided with the details relating to Nos 11, 19, 20, 22 or 23 and it is unclear whether these are directly comparable.
19. I have also been provided with the decision notice and plans relating to 14 Claremont Road (No 14) Ref 19/4182/HSE. Which refers to planning permission for a single-storey rear extension. I note that this property is a dwelling house and not a flat and as such, the circumstances are not directly comparable to the matter at hand. In this case, this example does not justify harmful development.
20. I conclude that the proposed development would have a harmful effect on the character and appearance of No 18 and the surrounding area. Accordingly, the proposal conflicts with Policies CS1 and CS5 of the Core Strategy and Policy DM01

of the DMP, insofar as they seek to ensure that new development preserves the character of a locality. There would also be conflict with the RDG which seeks, amongst other matters, to ensure that single-storey rear extensions do not look too bulky and prominent compared to the size of the main building and garden to which they relate; and have regard to the character of the area.

Other Matters

21. Whilst the green roof would mitigate views from the upper-floor windows of neighbouring properties and assist in conserving heat within the structure, its presence does not outweigh the harm identified above.
22. The absence of harm to the level of daylight or sunlight received at No 17 are neutral matters in the overall planning balance, as this would be a likely requirement of a well-designed development.
23. I acknowledge that the appeal scheme before me is a resubmission of a preceding appeal Ref APP/N5090/W/22/3313794. Whilst the appellant has attempted to overcome the concerns previously raised, the amendments would still result in a proposal that would harm the living conditions of the occupiers within No 17, and harm the character and appearance of the host property and the surrounding area.

Planning Balance and Conclusion

24. The appeal proposal would create one new dwelling, supporting the Government's objective of significantly boosting the supply of homes, however, this does not justify the harm I have found above. This harm would not be outweighed by the benefits associated with the creation of one new dwelling. Therefore, the proposal conflicts with the development plan taken as a whole, and there are no material considerations that lead me to find other than in accordance with it. Consequently, the appeal is dismissed.

L Clark

INSPECTOR