



Appeal Decision

Site visit made on 3 September 2024 by E Street BSc (Hons)

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/N5090/D/24/3346357

75 Riverdene, Edgware, Barnet HA8 9TB

- 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 Bahattin Yaman against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/0733/HSE.
 - The development proposed is described as "extending the existing roof extension over the previously approved extension of 22/4043/HSE. Minor changes to the rear of the existing/proposed extension with brick-block balcony railings and changes to the windows and door sizes."
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Decision

1. The appeal is allowed, and planning permission is granted for development described as "extending the existing roof extension over the previously approved extension of 22/4043/HSE. Minor changes to the rear of the existing/proposed extension with brick-block balcony railings and changes to the windows and door sizes" at 75 Riverdene, Edgware, Barnet HA8 9TB in accordance with the terms of the application, Ref 24/0733/HSE, subject to the following condition:
 - 1) The development hereby permitted is as shown on approved plans: PD 01, PD 02, PD 03, PD 04, PD 05, PD 07, PD 08, PD 09
 - 2) The privacy screen shown on the plans hereby approved shall be erected prior to the first use/occupation of the development hereby permitted and retained thereafter.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. At the time of my site visit, a partially built rear extension which reflects the submitted plans was present. A previous version of the extension was approved in 2022. The Council have also stated that a current enforcement case is open in respect to the development being built not in accordance with approved plans. With this and the proposed plans in mind, the scheme appears to be seeking to regularise the development and I am satisfied it has been part built and will be considered accordingly. In addition, the evidence suggests that the 2022 permission has been implemented and as an extant permission, I have taken it into account.

4. The Council have raised no objections to the change in fenestration and I have no reason to disagree. Therefore, and with the above in mind, my recommendation focusses on the changes to the rear of the extension not including the fenestration and specifically, their effect on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal scheme is very similar to the extant one bar, in terms of the contentious matters, the fact it would be larger. This would not however necessarily be in significant scale terms, but insofar as it would have a marginally longer projection at ground floor level. It would not extend the overall land take of what could be built in any event. I appreciate that it would exceed the allowances set out in the 2016 Residential Design Guidance, but then again so does the extant scheme. The Council refer to other examples of varying alterations at the rear of other local dwellings which, whilst admittedly some have been extended under permitted development, form the context of the scheme before me, reinforcing a notably varied character of built form. Particularly to the rear of buildings.
6. Being to the rear itself, the eventual extension would be well screened from public views and visually subservient to the host dwelling given the locally characteristic and substantial drop in land levels to rear gardens. I agree that the appeal scheme would add more mass to the dwelling, but it would not be vastly different to what could be built out regardless of the outcome of this appeal. The removal of the external staircase will not result in additional depth to the extension. By virtue of the minimal scale of the covering and limited outward projection, it would appear as logical addition that would continue the existing flat roof. The depth of the extension being beyond No 73 Riverdene would be slight and would not have a significant impact on the symmetry between the dwellings taking into account the extant scheme.
7. The proposal would therefore be acceptable for the character and appearance of the area. Consequently, it would comply with Policy D3 of the London Plan 2021, Policy CS5 of the London Borough of Barnet Core Strategy Development Plan Document (2012) and Policy DM01 of the London Borough of Barnet Development Management Policies DPD (2012) which together seek to ensure that development proposals are of a high-quality design and standard, amongst other things.

Conditions

8. I have set out the time conditions as development has commenced. I have referred to the approved plans for enforcement purposes but more to identify them as opposed to works being carried out in accordance therewith, also to reflect the part-retrospective nature of the scheme. I have not included a matching materials condition for the same reason and since I see no problem with the materials that have been used in regard to their context.
9. A condition has been suggested for no new windows or doors without prior authorisation to be created in the side elevations of the development. However, this would not be necessary as a separate permission or compliance with the permitted development regime would be needed for the insertion of new openings in the upper floors. New windows in the ground floor side elevation would, given surrounding development and boundary treatment, unlikely

adversely affect neighbours' living conditions. A condition limiting access to the roof would not be necessary since a separate permission would be required to use it as a balcony. In the interests of protecting the living conditions of the occupiers of No 73 a privacy screen is shown on the approved plans. I have set out a condition to ensure this is erected prior to the first use/occupation of the development permitted.

Conclusion and Recommendation

10. For the reasons set out above, the appeal scheme would comply with the development plan. I therefore recommend it be allowed, subject to the conditions set out.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, and planning permission is granted, subject to the conditions set out above.

John Morrison

INSPECTOR