



Appeal Decision

Site visit made on 7 October 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/N5090/D/24/3349700

63 Warwick Avenue, Edgware, Barnet HA8 8UN

- 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 Jonathan Raymond against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/2268/HSE.
 - The development proposed is a part single, part two storey side and rear extension; a new raised patio to the rear; and a new front porch.
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Decision

1. The appeal is allowed and planning permission is granted for a part single, part two storey side and rear extension; a new raised patio to the rear; and a new front porch at 63 Warwick Avenue, Edgware, Barnet HA8 8UN in accordance with the terms of the application, Ref 24/2268/HSE, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WA63-02-1001, WA63-02-1002 and WA63-02-1003.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.
 - 4) The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to, or used as, a balcony, roof garden or similar amenity or sitting out area.
 - 5) Before the building hereby permitted is first occupied the proposed first-floor bathroom window on the north side elevation facing 65 Warwick Avenue shall be glazed with obscure glass only up to 1.7 metre above floor level, shall be permanently fixed shut with only a fanlight opening, and shall be permanently retained as such thereafter.
 - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the first floor side elevations of the extensions hereby approved.

Background

2. Prior to its decision on the appeal scheme, the Council granted planning permission for part single, part two storey side and rear extensions to this property, along with a raised patio and front porch (Ref: 24/0839/HSE) ('the approved scheme'). The proposal before me differs from the approved scheme insofar as the increased depth of the single storey rear extension. I refer to the approved scheme in my reasoning below.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the host dwelling and the area; and
 - the living conditions of neighbouring occupiers, with particular regard to the outlook from, and availability of natural light to, 61 and 65 Warwick Avenue.

Reasons

Character and appearance

4. The host and 'No 61' comprise a semi-detached pair, which sit amongst other pairs on the western side of Warwick Avenue. Notwithstanding some extensions, the buildings have a fairly similar appearance in the streetscene. However, that sense of cohesion breaks down to the rear as a result of more significant alterations. The host and its attached neighbour, for instance, have large rectilinear dormers, as do the adjacent pair at 'No 65' and 'No 67', which also have single and two storey rear projections.
5. The proposed side extension would be set down at roof level and its first floor would be recessed from the host's front face, thereby achieving a subordinate appearance. In the context of this streetscene, neither it, nor the modest porch extension, would appear out of place. The two storey rear projection would add greater complexity to the building, but its form would reflect a broadly similar development at No 67. Moreover, those elements would be similar to the approved scheme.
6. The proposed single storey rear extension would be 2 metres longer than in the approved scheme, and deeper than the 3.5 metres normally considered acceptable in the Barnet Residential Design Guidance Supplementary Planning Document 2016 ('SPD'). However, as a result of its limited height and shallow sloping or flat roofs, it would have a modest profile and a limited mass, which would be tempered further by its largely glazed rear and north elevations; and it would not be visible in the streetscene.
7. Having regard to SPD paragraph 14.22, in the context of this large building and spacious plot, taken as a whole the proposed extensions would not appear too bulky, and they would not conflict with its stance that extensions should reflect the design of the original building, having regard to the character of the area and cumulative impacts.
8. The difference between this proposal and the approved scheme would be modest, and it would not harm the character and appearance of the host dwelling or the area. Consequently, it would not conflict with those parts of Policy CS5 of the Barnet Local Plan (Core Strategy) 2012 ('BCS'), or Policy DM01 of the Barnet Local Plan (Development Management Policies) 2012

(‘BDMP’) which require high quality design based on an understanding of local characteristics, having regard to matters including appearance, scale and mass.

Living conditions

9. The proposed extensions would be set in from the boundary with No 65, which itself has a single storey wrap-around side/rear extension. The proposed single storey rear section would not be significantly different in depth or height compared to the one at No 65, and the proposed first floor section would not project much further to the rear compared to the two storey parts of that house. Thus, they would not have a significant impact on those occupiers’ outlook nor, notwithstanding No 65’s location to the north, cause them to suffer from a significant loss of natural light.
10. No 61 has not been extended to the rear, although I am told that it has approval for a rear extension. Nevertheless, as it has not been implemented, the proposed single storey rear extension, which would abut the side boundary, would project well beyond No 61’s rear face. However, given this extension’s limited single storey height and its profile, and in the context of the existing 1.8 metre timber fence, notwithstanding sloping land levels, it would have a limited impact on the outlook from No 61, particularly as that property’s principal patio doors are set well in from the boundary.
11. For these reasons, and having regard to the modest differences compared to the approved scheme, this proposal would not harmfully impact adjacent occupiers’ living conditions by reason of a significant affect on their outlook or the availability of natural light.
12. It would not therefore conflict with those parts of BCS Policy CS5, BDMP Policy DM01, or London Plan 2021 Policies D3 and D5 which require high quality, inclusive design, that ensures adequate light and outlook for adjoining occupiers. Whilst the single storey rear extension would be deeper than advised by the SPD, the scheme would not conflict with its general stance on amenity at paragraph 14.4.

Conditions and Conclusion

13. I have considered the matter of conditions against those suggested in the Council’s delegated report. I have imposed the standard time limit and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans. In the interests of good design, a matching materials condition is necessary. Finally, in the interests of protecting adjacent occupiers’ amenities, my conditions 4 to 6 as applied to the approved scheme, are also necessary.
14. For the above reasons, the scheme would not harm the character and appearance of the host dwelling or the area, and it would not harmfully impact adjacent occupiers’ living conditions. Thus, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR