

Appeal Decision

Site visit made on 12 November 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/N5090/D/24/3350997

Land Adjacent to 148 Colin Gardens, Colindale, London, NW9 6ER

- 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 Devis Kasa against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/1702/HSE.
 - The development proposed is alterations to the roof including provision of rear dormer, extension to the rear of the property and provision of a raised rear platform.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal dwelling the subject of this appeal received planning permission in September 2021¹. It has not been constructed as per the approved plans.
3. The application relating to this appeal was submitted in order to seek planning permission for the retention of a single storey rear extension with a raised platform area and a roof extension including a rear dormer window and front facing rooflights.
4. During my site visit, I observed that the development the subject of this application is partly complete and I refer to it as "the development" below.

Main Issues

5. The main issues in this case are the effect of the development on the character and appearance of the area; and its effect on the living conditions of the neighbouring occupiers of Number 150 Colin Gardens, with regards to privacy.

Reasons

Character and appearance

6. The appeal property comprises a two storey, end of terrace dwelling, attached to Number 148 Colin Gardens. It is located in a residential area, characterised by the presence of short rows of two storey terraced dwellings.

¹ Reference: 21/3785/FUL.

7. Dwellings in the area tend to be set behind short front gardens and/or parking areas and have longer gardens to the rear. The presence of garden areas, street trees and occasional grass verges affords the area a pleasant green quality. These features also provide for a sense of spaciousness in what is a relatively densely developed residential area.
8. During my site visit, I observed that due to the local topography, there is a significant drop in height between the terrace containing the appeal dwelling and the neighbouring terrace to the south. Consequently, the appeal dwelling sits considerably higher than its neighbour Number 150 Colin Gardens. Further, the juxtaposition of Colin Gardens in this location is such that the appeal dwelling and No 150, whilst quite close together, angle slightly towards one another to the front and away from one another to the rear.
9. I also noted during my site visit that, whilst many dwellings in the area have been altered and/or extended, such changes generally appear to be in keeping with host dwellings and their surroundings such that dwellings within rows tend to appear similar to one another. This lends the area an attractive sense of rhythm and uniformity.
10. The appeal dwelling's dormer extends across much of the roof slope and is constructed in such a way that it results in a hip to gable roof extension. The resulting roof form contrasts markedly with that at the opposite end of the terrace, at Number 142 Colin Gardens, where no such roof form exists. It results in a gable end which detracts significantly from the uniform appearance of the terrace as a whole end and which appears awkward and out of keeping with its surroundings.
11. The harm arising from this is exacerbated by the change in levels between the appeal dwelling and No 150 Colin Gardens, such that the appeal dwelling's gable end towers above its neighbour and draws attention to its incongruous appearance.
12. Further to the above, the development results in the dormer itself appearing so large, boxy and bulky as to comprise an unsympathetic addition, out of proportion with the rest of the dwelling and resulting in an awkward, top-heavy effect.
13. Taking all of the above into account, I consider that the development harms the character and appearance of the area, contrary to the National Planning Policy Framework, to Policy D3 of the London Plan (2021); to Policies CS1 and CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document (DPD) (2012); to Policy DM01 of the Barnet Local Plan (Development Management Policies) DPD (2012); and to the Council's Residential Design Guidance Supplementary Planning Document (SPD) (2016), which together amongst other things, seek to protect local character.

Living conditions

14. As noted above, the appeal dwelling sits considerably higher than Number 150 Colin Gardens. During my site visit, I observed that the rear extension opens onto a raised terrace that sits so significantly above No 150's rear garden as to provide for clear and open views down onto and across it, as well as back towards the windows facing out from the rear elevation of that dwelling.

Further, given the height of the raised terrace, it provides for such views from a dominant perspective. Together, these features combine to harm the privacy of the occupiers of No 150.

15. Whilst the appellant considers that this is a matter that could be resolved by the provision of a privacy screen, there is no substantive evidence before me to demonstrate that this would be the case. Notwithstanding this, I find that given the height of the raised terrace, the addition of a privacy screen runs the risk of the combined development resulting in a terrace and screen of such overall height as to harm the outlook of neighbouring occupiers and there is no evidence before me to the contrary.
16. Taking all of the above into account, I find that the development harms the living conditions of the occupiers of Number 150 Colin Gardens, with regards to privacy. This is contrary to the National Planning Policy Framework, to Policies D3 and D14 of the London Plan; to Policies CS1 and CS5 of the Barnet Local Plan (Core Strategy) DPD; to Policies DM01 and DM04 of the Barnet Local Plan (Development Management Policies) DPD; and to the Council's Residential Design Guidance SPD, which together amongst other things, seek to protect local character.

Other Matters

17. In support of his case, the appellant refers to other developments in the locality. However, there is no detailed evidence before me to demonstrate that all of the circumstances relating to these other developments are so similar to the development the subject of this appeal as to provide for direct comparison. Notwithstanding this and in any case, I have found that the development results in significant harm and this is not something that is mitigated or changed by the presence of other developments elsewhere.
18. During my site visit, I observed a nearby dwelling with a hip to gable roof extension and I noted that it comprises a feature that appears out of character with its surroundings.

Conclusion

19. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR