



Appeal Decision

Site visit made on 19 November 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/N5090/D/24/3350283

95 Millway, Mill Hill, Barnet, London NW7 3QT

- 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 Mehdi Jafarifar against the decision of the London Borough of Barnet Council.
 - The application Ref is 24/0319/HSE.
 - The development proposed is described as two storey sides, rear and roof extensions with bay window features to front elevation. Demolition of existing garage. Creation of 4 car parking spaces to front of property. New terrace to rear.
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Decision

1. The appeal is allowed and planning permission granted for two storey side, rear and roof extensions with bay window features to front elevation; demolition of existing garage; creation of 4 car parking spaces to front of property; and, new terrace to rear at 95 Millway, Mill Hill, Barnet, London NW7 3QT in accordance with the terms of the application Ref 24/0319/HSE, and 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 referenced:

100 - Location Plan (as existing)

101 - Site Plan (as existing)

102 - Site Plan (as proposed)

103 - Ground Floor Plan (as existing)

104 - First Floor Plan (as existing)

105 - Ground Floor Plan (as proposed)

106 - First Floor Plan (as proposed)

107 - Roof Plan (as proposed)

108 - Front & Rear Elevations (as proposed)

109 - Side Elevations (as proposed)

101 - Elevations (as existing)

3) The materials to be used in the construction of the external surfaces of the extensions hereby approved shall be as detailed in the application and approved plans.

4) Prior to the installation of the bathroom, study (guest room 5), and en-suite windows to be provided at first floor level within the east and west side elevations (as detailed on the approved plans and elevations), details of their obscure glazing and opening capabilities shall be submitted to, and approved in writing by, the local planning authority. The windows shall be installed and retained as approved. At no point shall any further window be installed within the east or west side elevations.

Main Issues

2. The main issues are the effect of the development on:

- i) the character and appearance of the building and surrounding area; and,
- ii) the living conditions of the occupants of No.97 Millway with particular regard to outlook, overshadowing and overbearing.

Reasons

Character and Appearance

- 3. No.95 Millway is a two-storey detached dwelling with hipped roof, single storey projection to rear and attached garage to the side. The dwelling is set within a wide rectilinear plot with raised terrace positioned to the rear of the dwelling, above a generous lower garden level beyond. The surrounding street scene comprises a mix of two-storey detached and semi-detached dwellings. No.95 lies within a row of detached dwellings which have slight variation in design, which includes elements of two-storey bay and gable features to their front elevations. The dwellings have a regular close spacing and are set within similar sized plots.
- 4. The appeal scheme proposes various extensions and alterations to the dwelling including two storey side extensions, a full width two-storey rear extension and alterations to the front elevation including two storey bay windows with gables. The increase in width of the property would not be significant, with the extensions being set away from No.97 Millway (No.97). The retention of a meaningful gap with No.97 would ensure that the dwelling would not appear cramped within its plot while also respecting the pattern of development along this part of Millway. Furthermore, the introduction of two-storey projecting bays with gables to the front would take reference from design features regularly seen within the area and would not diminish the rhythm of development along the street. Therefore, from Millway, the development would not appear incongruous or out of context with its surroundings.
- 5. The Council's main concern in respect of the first main issue is the cumulative scale of the two-storey rear and side extensions. To the rear, the extensions would extend across the full width of the property and also from the new extensions to the side. The additional depth of the dwelling would be similar to the existing raised terrace which, in the context of the size of the plot, is closely related to the existing dwelling and therefore I do not consider that the

extension would not project significantly rearwards into the wider plot. In addition, the additional two storey depth would be significantly less than the two-storey depth of the existing dwelling. Therefore, I do not consider that the extent of rearward projection to be disproportionate to the existing dwelling. In this regard, I am also mindful of the advice contained within the Local Plan Supplementary Planning Document: The Residential Design Guide (2016) (the RDG), which advises that there may be more scope for larger rear extensions to detached dwellings on widely spaced plots.

6. Both No.91 and No.93 Millway (No.91 and No.93) have rear extensions, across ground and first floor and these properties also include additions to their roofspace. While the extensions to the rear of No.91 and No.93 are large, they remain well related to the rear building line of the wider Millway row. The degree of rearward projection across two storeys as proposed, would not be dissimilar to those found at No.91 and 93. While the legibility of the existing rear elevation would be lost, in the context of its neighbours, the rear and side additions would not appear disproportionate and in a manner which would appear unsympathetic to the dwelling.
7. When viewed from rear garden spaces the extensions would be viewed in the context of the much altered rear facades of Millway. As identified above, the degree of projection would be similar to that of other properties, with the additional mass not protruding significantly beyond the rear building line. In addition, the extensions would be closely related to the existing building, ensuring that an appropriate ratio between built footprint and garden space would be retained. As such, the extensions would not appear unduly prominent or incongruous when viewed from surrounding private spaces.
8. For the above reasons, I conclude that the development would not have a harmful effect on the character and appearance of the building or surrounding area. Therefore, the development complies with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (the BLPCS); Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (the BLPDMP); and, D3 of The London Plan (2021) (the LP). Together, amongst other things, these seek to deliver sustainable development that is of high-quality design which respects the local context. The development also accords with the guidance contained within the RDG which requires extensions to be consistent with the form, scale and architectural style of the original building.

Living Conditions

9. No.97 Millway (No.97) has a single storey projection to the rear which is of similar depth to that of the existing raised terrace of the appeal property. There are windows located within the rear elevation of the single storey projection and also at first floor level. No.97 enjoys a large rear garden which is comparable in width and depth to that of the appeal dwelling.
10. The proposed two-storey side and rear extension adjacent to No.97 would project beyond the first-floor opening by some distance meaning part of the flank elevation would be in view from this opening. Notwithstanding this, the additional mass would be set away from the boundary while the hipped roof design would slope away from the neighbour. This roof design would reduce the perceived mass of development along the boundary. The off-set from the

boundary would not be insignificant and, coupled with the roof design, would ensure that the extension would not be dominant in the outlook from the first-floor window. Furthermore, the window is not flanked by two storey development on its opposite side and clear views over its own rear garden and that of its neighbours would be retained. Therefore, I do not consider that there would be an unacceptable sense of enclosure or loss of outlook to the opening.

11. The extension would project marginally beyond No.97's single storey rear extension. The presence of the single storey extension to the rear of No.97, along with the siting of the extension away from the boundary, would ensure that the extension would not be dominant when viewed from the neighbouring garden. I acknowledge the orientation between the extension and No.97, however any additional overshadowing to this property would likely be confined to the roof of the single storey extension rather than over large parts of the rear garden. As such, I do not find that there would be any significant overbearing or overshadowing arising on the private garden space of that property.
12. For the above reasons, I conclude that the development would not have a harmful effect on the living conditions of the occupants of No.97 Millway with particular regard to outlook, overshadowing and overbearing. Therefore, the development complies with Policies CS5 of the BLPCS; Policy DM01 of the BLPDMP; and, D3 of the LP. Together, amongst other things, these seek to deliver development that protects gardens, and to allow for adequate daylight, sunlight, privacy and outlook for adjoining users. The development also accords with the guidance contained within the RDG which seeks to ensure that two storey rear extensions do not result in a loss of light to, and outlook from, windows positioned close to the extension, or an unacceptable sense of enclosure to, and an overbearing impact on neighbouring houses and gardens.

Conditions

13. I have had regard to the conditions suggested by the Council. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty. The application form and plans indicate the use of materials which would not match the existing property. Therefore, I have suggested that materials be in accordance with those specified within the application, rather than to match the existing. This is necessary in the interest of the character and appearance of the area.
14. A condition requiring the obscure glazing and non-opening of windows at first-floor level within the side elevations, along with a restriction of any other windows in those elevations, is necessary in the interest of living conditions of neighbours and those of future occupants.

Conclusion

15. For the above reasons the appeal is allowed.

D Cleary

INSPECTOR