

Appeal Decision

Site visit made on 25 November 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref. APP/N5090/D/24/3353311

37 Church Way, Whetstone, Barnet, London N20 0JZ

- 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 and Mrs Ben and Emma Jacobs against the decision of the Council of the London Borough of Barnet.
 - The application ref. is 24/2158/HSE.
 - The development proposed is: Infill single storey side extension with mono pitched roof. Two storey rear extension following demolition of the existing rear extensions. New rear patio. Roof extension with associated loft conversion, including crown roof, dormer windows to rear and both sides and 3 front roof lights. Conversion of existing garage into habitable room including insertion of window to replace existing door and infill side door. New render to front elevation. Fenestration changes to replace existing front windows with new windows and creation of new windows in flank walls with infill of existing first floor side window (Amended Description).
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposed development upon the character and appearance of the host dwelling and the locality and upon the visual and residential amenity of the neighbouring occupiers at 39 Church Way with regard to the potential for any visually obtrusive or overbearing effects.

Reasons

3. No. 37 is a 2-storey detached house in an established residential street. Whilst Church Way does not possess any outstanding examples of urban architecture, it is a pleasant residential area of sizeable detached and semi-detached houses with predominantly hipped roofs which falls within one of Barnet's high quality suburbs. No. 37 occupies a somewhat wider plot than the dwellings on the neighbouring sites. Many of the properties in the locality have been extended to varying degrees. The appeal property itself was extended in various directions pursuant to a planning permission issued in 1988.
 4. I have been referred to the Council's Supplementary Planning Document titled Residential Design Guidance October 2016 (SPD). The SPD is not policy in itself but it carries weight as a material consideration in decision making. The SPD
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states that proposed extensions should be consistent with the form, scale and architectural style of the original building which can be achieved by, amongst other things, respecting the proportions of the existing house and using an appropriate roof form. It goes on to confirm that an extension should normally be subordinate to the original house, respectful of the original building and not overly dominant and lower than the height of the original building. The SPD also asserts that dormers should normally be subordinate features on the roof, not occupying more than half the width or half the depth of the roof slope and that to retain the house's balance, they should not normally be wider than the window below it and should normally align with the windows below.

5. The main proposed extensions are to the rear. The Council considers that the proposed 2-storey rear extension together with the proposed roof extensions would, by reason of their size, design and siting, cumulatively result in overly bulky and disproportionate additions to the property.
6. The cumulative scale of those extensions would indeed be substantial. The proposed scheme would add considerable bulk and mass to the rear elevation of the host property which is clearly visible in views from the rear of several nearby residential properties. Although the 2-storey rear extension would be no deeper than the rear wall of the current first floor rear extension, it would be almost as wide as the existing first floor rear elevation at wall level and just as wide at roof level. Very little of the existing rear wall face would remain visible and none of the existing rear roofscape.
7. The large flat-roofed rear dormer would occupy significantly more than half the new rear roof's depth and be far wider than any of the windows below it. The rear roof extension would not have a lower roof line than the host building despite the inclusion of a flat-topped or crown roof. Such a design would not match or harmonize with the hipped roofs of the existing property. Rather, it would appear contrived and architecturally ill-mannered with the aim of forcing the roof of the proposed extension down to accommodate its excessive width.
8. In contrast to the existing 2-storey rear extension, which is a subservient feature when compared to the main dwelling, the proposed 2-storey rear extension, together with the crown roof and rear dormer extensions, would result in a top-heavy and bulky profile that would engulf the rear profile of, and bear no relation to, the original dwelling. This would represent poor design here as the extensions would appear as substantial and unsympathetic later additions which would fail to integrate well with and be harmful to the original form and appearance of the host dwelling.
9. The extensions would have their own basic symmetry. Furthermore, the proposed external materials would match those of the existing building. By being mainly to the rear the impact of the extensions on the street scene would be minimal. However, I concur with the Council's assessment that the resulting cumulative bulk and mass of the extensions would be such as to dominate the original design of the house rather than be subordinate to it. The existence of the large and relatively wide rear garden would make no material difference to how the extensions are perceived in views from the rear.
10. I saw on my tour of the area various significant extensions and buildings including 2 Church Crescent and what appears to be a new build house or

replacement dwelling at 36 Church Way. I do not have any planning history about those 2 cases. They are not particularly good examples to follow. In any case, each application is considered on its own individual merits.

11. This is not a marginal case insofar as the SPD guidance is concerned. The proposed development would not represent a visually attractive solution that would add to the overall quality of the area. Rather, it would have a scale, mass, bulk and design that would be disrespectful of and inappropriate to the character and appearance of the existing dwelling and the surroundings.
12. I find on the **first main issue** that the proposed development would harm the character and appearance of the host dwelling and the locality. There would be conflict with Policy DM01 of Barnet's Local Plan Development Management Policies (DMP) September 2012, Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (CS) September 2012 and Policy D1 of the London Plan 2021. Viewed in the round these policies, amongst other things, seek to ensure development respects local context and distinctive local character by creating places and buildings of high quality design.
13. The National Planning Policy Framework advises that good design is a key aspect of sustainable development; so, development should add to the overall quality of the area and be visually attractive as a result of good architecture and sympathetic to local character. I consider that the appeal proposal is ill-judged in these important respects.
14. With regard to the second main issue, the Council expresses the concern that given their scale, cumulative impact and position, the extensions would be unduly overbearing and visually obtrusive to those in the adjacent home at 39 Church Way to the south-east.
15. This neighbouring property has a rear elevation which faces north-east and a substantial length of rear garden to enjoy and look over beyond this. Given the degree to which the proposed extensions would be set away from the shared boundary with no. 39, their limited depth beyond the rearmost wall of no. 39 and the presence of a notable garage/store building inside the boundary of no. 39, I would assess that the proposed extensions would not create an unacceptable sense of enclosure or appear visually intrusive or overbearing when seen from the back garden and rear-facing rooms at no. 39. The experience of 39 Church Way as being set within a good-sized back garden which faces north-east would endure. So, the neighbours at 39 Church Way would not suffer from being overly hemmed-in and they would continue to enjoy good quality living conditions. The absence of objections from the occupiers of this property adds weight to my findings.
16. I find on the **second main issue** that the proposed development would avoid any unacceptable impacts upon the visual and residential amenity of the neighbours at 39 Church Way, taking into account the potential for any visually obtrusive or overbearing effects. As adequate outlook for the adjacent occupiers would remain available, there would be no conflict with the aims of DMP Policy DM01, CS Policy CS5 or the SPD.
17. Similarly, there would also be compliance with the Framework which seeks to ensure developments create places with a high standard of amenity for existing and future users.

Concluding comments

18. My finding on the first main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by my finding on the second main issue or by other material considerations, including the lack of third party objections and the improved internal space for the family home that the scheme would provide.
19. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR