
Appeal Decision

Site visit made on 17 December 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Reference: APP/N5090/D/24/3351936

41 Ryhope Road, New Southgate, Barnet, London N11 1DR

- 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 J. Khatri against the decision of the Barnet London Borough Council.
 - The application reference is 24/1872/HSE.
 - The development proposed is described in the application form as follows: “existing garage to be demolished and replaced with a single-level wrap around extension & a 1st floor rear extension”.
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Decision

1. The appeal is dismissed.

Preliminary point

2. The National Planning Policy Framework was revised in December 2024 but, in this instance, the issues most relevant to the appeal remain unaffected by the revisions that have been made to it. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action. In this appeal, I have had regard to the most recent version, of course.

Main issues

3. The first main issue to be determined in this appeal is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance or intrusion on outlook). The second is the effect of the proposed development on the character and appearance of the host building and its surroundings.

Reasons

4. The appeal site is located in a residential area of Barnet, in the northern part of New Southgate, although this residential area abuts a commercial location at Brunswick Road. Ryhope Road provides the access to a homogenous suburban development off the A1003 Waterfall Road that has a considerable degree of consistency in style and layout. The houses are generally of traditional construction, with pitched roofs, laid out in semi-detached pairs set back from their frontages behind modest front gardens. Ryhope Road is a quiet road in a mature suburban setting and the townscape is enhanced by shrubbery in the roadside verges that reinforces the suburban character of the locality.

5. Number 41 Ryhope Road is located at the end of the road, where Ryhope Road turns into Dale Green Road (which loops back through the development as Pymmes Green Road). It is a semi-detached house (with number 43), that is set well back from the highway, with its neighbour, on a rather awkward tapering plot that falls away from the rear of the house. Thus, number 41 is set back from the front elevation of number 39, to the south-east.
6. The existing house has rendered walls, with contrasting colours on the upper and lower parts of the exterior, under a pitched roof. Other houses in the area have traditional hipped or gabled roofs and, in some cases, the gabled form appears to have been created by relatively recent asymmetric roof extensions. Numbers 41 and 43 have an unusual roof form, combining a basic hipped roof with a central gabled feature. There is also an existing garage on the appeal site, of prefabricated panel construction, alongside the boundary with number 39. This is located to the rear of the house on the appeal site and is set well behind the house at number 39 and adjacent to its back garden (which is to the south-east).
7. It is now proposed to demolish the existing garage and to build a wrap-around extension to the side and rear of the ground floor, combined with a first-floor extension at the rear.
8. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. The achievement of good design includes protecting existing residential amenities and providing good standards of accommodation in new development.
9. Policies in the Development Plan also share these basic principles and attention is drawn to Policies in 'The London Plan' (dated March 2021) and in 'Barnet's Local Plan (Core Strategy) Development Plan Document' (dated September 2012) and 'Barnet's Local Plan (Development Management Policies) Development Plan Document' (also dated September 2012).
10. 'The London Plan' is the "spatial development strategy for Greater London" and it includes Policies that are intended to encourage high standards of urban design. Policy D3 promotes good design in broad terms while aiming to make the "best use" of urban land.
11. Policy CS5 in the 'Core Strategy' is aimed at promoting good standards of design that respects local context and distinctive local character, while Policy DM01 in the 'Development Management Policies' likewise seeks to achieve high quality design that protects residential amenities.
12. The Council's 'Local Plan Supplementary Planning Document: Residential Design Guidance' (dated October 2016) is also relevant but it does not have the force of the statutory Development Plan.
13. The existing driveway providing vehicular access to the garage at the rear, runs alongside the flank wall of the house, providing a wide space between the building and its side boundary. The proposed development would introduce a single-storey side extension to the house, taking up most of the width of the driveway but

maintaining a pedestrian pathway to the back garden, one metre wide, for the convenience of the occupiers. On the front elevation the new single-storey extension would be set behind the main front wall of the house, by a small amount, but, as a result of the staggered layout of the existing houses, the long side wall of the new extension would extend for a significant distance close to the neighbours' garden (at number 39).

14. On the other hand, the new extension would lie to the north-west of the neighbouring garden and would not significantly overshadow it, therefore.
15. The extension would not be constructed on the common boundary itself but would be set back from the boundary, with a ground floor side extension under a roof that would slope upwards away from the boundary. Nevertheless, the height of the side extension would be exaggerated by the change in ground levels. The actual levels are not depicted on the submitted drawings but the ground falls away behind the main part of the house, while the finished floor level within the house would be continuous, without internal steps or ramps.
16. Thus, the projecting rear part of the new extension (containing a new study and utility room) would rise above the natural ground level to a significantly greater extent than would be the case for a single-storey building built on level ground. Hence, the visual impact of the new side wall on the neighbours would be notably increased due to the slope of the land away from the rear of number 41.
17. In view of this, I am convinced that the projecting element of the proposed single-storey extension would have an unacceptable impact on the outlook from the neighbouring garden, since it would introduce a long, continuous side wall that would be unduly intrusive in its context.
18. The proposed two-storey extension at the rear of the existing house would not be as intrusive. This element would project by only three metres and would be located further away from the site boundary. Even though it would be very obvious from the garden of number 39 it would not be unduly overbearing or intrusive in its suburban context.
19. Turning to the wider impact of the proposed extensions, it is noted that the scheme would make use of matching materials and that the architectural design would be in harmony with the existing structure. The original semi-detached house would be significantly enlarged but the finished building would not be out of place in its context. Nor would it harm the character and appearance of the surroundings more generally.
20. Nevertheless, the impact of the rear projecting part of the extension, as designed, would have an unacceptable impact on its neighbour's garden by reason of its overbearing effect and its intrusion on the outlook, to the detriment of the residential amenities of neighbouring occupiers at no. 39 Ryhope Road.
21. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful addition to the existing house. Even so, I am convinced that the harm that I have identified outweighs the benefits of the project and I have also concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan). It ought not to be allowed, therefore, and,

although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

22. In reaching these conclusions I have considered whether the appeal could be allowed but subject to conditions that might overcome the visual concerns that I have identified. In view of all the uncertainties involved, however, I have formed the opinion that it would not be possible to frame precise conditions to deal with the objections that I have identified and that therefore the appeal must be dismissed.

Roger C. Shrimplin

INSPECTOR