



Appeal Decision

Site visit made on 25 March 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Appeal Ref: APP/N5090/D/24/3355274

16 Park Avenue, Hampstead, Barnet, London NW11 7SJ

- 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. Rohan Mehta against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 24/3493/HSE, was refused by notice dated 14 October 2024.
 - The development is described as 'Minor side & rear extension to existing single family dwelling, including increase ridge height & proposed new bin store.'
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Decision

1. The appeal is allowed and planning permission is granted for - 'Single storey rear extension. Alterations to existing garage with changes to fenestration. Alterations to roof including raising ridge height. New bin store to front' at 16 Park Avenue, Hampstead, Barnet, London. NW11 7SJ in accordance with the terms of the application, Ref: 24/3493/HSE, subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Existing Ground Floor Plan EX02
 - Existing First Floor Plan EX03
 - Existing Roof Plan EX04
 - Existing Elevations EX05 (labelled as proposed)
 - Proposed Ground Floor Plan PL01
 - Proposed First Floor Plan PL02
 - Proposed Roof Plan PL03
 - Proposed Elevations PL04
 - Location Plan dated 04-09-24
 - Existing Location Plan EX01
 - Design and Access Statement September 2024
 2. This development must be begun within three years from the date of this permission.
 3. a) No development other than demolition works shall take place until details of the materials to be used for the roof of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

4. The roof of the extensions 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. a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Preliminary Matters

2. I have determined the application on the basis of the description of development as detailed on the decision notice issued by the Council refusing permission for the proposed development. This is *'Single storey rear extension. Alterations to existing garage with changes to fenestration. Alterations to roof including raising ridge height. New bin store to front'* which more concisely and accurately describes the proposed development.
3. The Council of the London Borough of Barnet adopted a new Local Plan on 4 March 2025. The Council has confirmed that the policies from Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012) and Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012) referred to in the Decision Notice have been superseded by policies from the Barnet Local Plan 2021-2036 (March 2025) (BLP). All parties to this appeal were provided with the opportunity to comment on the new Barnet Local Plan 2021-36 (the Local Plan) in the context of this planning appeal.
4. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. Policies referred to in the reason for refusal, relating to the planning application subject to this appeal from the Barnet Local Plan 2012, are no longer relevant and are disregarded. A matrix detailing which new Local Plan policies replace which old Barnet Local Plan 2012 policies is provided at Appendix B of the new Local Plan. This indicates that Policies GSS01, CDH01 and HOU03 of the Local Plan are now the policies relevant to the determination of this appeal.

Main Issue

5. The effect of the development on the character and appearance of the surrounding area.

Reasons

Character and Appearance

6. The appeal site is located on Park Avenue, a suburban area situated a short distance from Golders Green District Centre. The street is characterized by large detached and semi-detached properties, many of which are influenced by the arts

and crafts architectural style. There is considerable diversity in building styles, with setback distances from the highway varying between properties.

7. Some dwellings feature front gardens, while others do not. Roof planes also differ significantly; in some cases, they are oriented perpendicular to the street, while in others, they are parallel. Although buildings generally face the highway, the positioning and prominence of windows and entrances vary significantly.
8. Near the appeal site, this diversity is particularly evident. Dormer windows appear on the front and side elevations of certain dwellings, while others lack them. Chimney stack heights also differ noticeably. These variations collectively contribute to an interesting and diverse street scene, where uniformity is not a defining feature.
9. The Council's reason for refusal pertains solely to the overall increase in the height of the ridgeline and eaves of the main roof of the dwelling, deeming it harmful to the character of the surrounding area. However, building heights and ridge heights along the street differ, and there is no uniformity. The upward slope of the street toward the east results in building heights generally following the topography, although this pattern is not consistent.
10. The position and distance of dwellings relative to the highway further accentuates the appearance of differing building heights. At the western end of Park Avenue, on Park Drive, there are several adjacent dwellings with significantly varying eaves and ridge heights, which are highly visible from Park Avenue.
11. I am satisfied that the proposed increase in height responds sensitively to the local character, incorporating design elements, building forms, patterns of development, scale, massing, roof form, and height consistent with the existing context, as required by Local Plan Policy CDH 01. Additionally, the materials proposed for elevating the roof should be consistent with the existing and therefore respect the local character and setting. This can be achieved through the imposition of a condition.
12. The fenestration exhibited on dwellings along Park Avenue is notably diverse and varied. Windows differ significantly across properties in terms of size, style, and placement. It is evident that many of the windows are not original installations. Examples include both larger and smaller windows at ground and first-floor levels, as well as dormer and eyebrow-style windows. The materials, colours of window frames, and overall designs vary considerably. Similarly, the positioning of windows on elevations is not uniform, with some first-floor windows extending to the eaves of the roof, while others are set significantly below the eaves.
13. The key takeaway is the diversity in the design approach to fenestration along Park Avenue. In this context, I am not persuaded that maintaining the existing distance between the tops of the first-floor windows and the eaves on the appeal property is necessary to safeguard the character and appearance of the area. I am satisfied that the proposal would not materially harm the character and appearance of the area.
14. The alterations to the appeal building would not result in an excessively top-heavy structure. The property is already a substantial detached dwelling, and I am satisfied that it has the capacity to accommodate the modest increase in height. The resulting dwelling would not appear incongruous, particularly given the

diversity in the design of buildings in the area. Local Plan Policy HOU03 states that proposals will be supported, provided they do not have an unacceptable impact on the surrounding character of the area and do not adversely affect the amenity of neighbouring property occupiers. I am satisfied that this is the case.

15. While I note that no other properties on Park Avenue appear to have undergone extensions similar to the one proposed, it is clear that there have been other alterations to properties in the vicinity. The fact that this proposal may be the first example of such an alteration does not render it unacceptable. My conclusions regarding the acceptability of the proposal have been reached with regard to all relevant considerations. For this reason, I attach limited weight to the fact that this is the first alteration of this type in the immediate area.
16. I have considered the Residential Design Guidance SPD (2016), which serves as a material consideration in determining this appeal. However, its weight is diminished in light of the adoption of the new Local Plan and the stated intentions to develop a new Sustainable Design & Development SPD, as referenced in Local Plan Policy CDH01. I am not persuaded that the proposed development fails to align with the provisions of this document, to which I in any case afford limited weight.
17. Accordingly, I conclude that the proposal would be acceptable and not harm the character or appearance of the area. The development would therefore comply with Policy CDH01 and HOU03 of the Local Plan. These require that proposals should respond sensitively to the local character, incorporate design elements, building forms, patterns of development, scale, massing, roof form, and height consistent with the existing context. Also, that proposals should not adversely affect the amenity of neighbouring property occupiers.

Other Matters

18. The Council has not objected to the principle of the proposed bin store to the front of the appeal site. However, they have raised concerns regarding its immediate proximity to the pavement and the fact that it would open directly onto the highway. This issue can be effectively addressed through the imposition of a condition.

Conditions

19. The National Planning Policy Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise, and reasonable in all other respects. I have reviewed the conditions proposed by the Council against the Framework and, where necessary, amended their wording to enhance effectiveness and precision.
20. To ensure certainty and clarity, I have imposed the standard conditions relating to the approved plans and the commencement of development.
21. In the interests of safeguarding the character and appearance of the area, full details of the materials to be used must be submitted to the Council for approval.
22. Given the proximity of the appeal site to existing dwellings, restrictions have been placed on the use of the permitted extension roofs to protect the living conditions of surrounding occupiers.

23. To safeguard the character and visual amenities of the site and the wider area, details of enclosures and screened facilities for the storage of recycling containers, wheeled refuse bins, or other refuse storage must be submitted to the Council for approval.

Conclusion

24. I have found that the proposal complies with the development plan and no material considerations have been identified which would indicate that the requirements of the development plan should be set aside.
25. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

F P Tinsley

INSPECTOR