
Appeal Decision

Site visit made on 31 August 2016

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th September 2016

Appeal Ref: APP/N5090/W/16/3152402

2 Netherfield Road, North Finchley, London N12 8DP

- 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 Minamax Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/07317/FUL, dated 1 December 2015, was refused by notice dated 27 May 2016.
 - The development proposed is a rear extension to existing building at ground and lower ground floor levels and alterations to front porch and entrance door.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted amended plans to the Council prior to determination of the application. It is clear from the Council's evidence that the decision was based on the revised plans and I have considered the appeal on the same basis.
3. The description of the development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

4. The main issues are the effect of the development on (i) the character and appearance of the area and (ii) the living conditions of future occupiers, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site is an end terrace property which has been converted into two self-contained flats. The site includes a double garage to the side, rear conservatory and a covered access. The rear garden is relatively small and roughly triangular in shape, with the rear boundary slanting toward the house. The garden is enclosed by close board fencing, with narrow footpaths behind the fence to one side and the rear. The neighbouring dwelling has a rear
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extension which forms part of the common boundary between the dwellings. A single storey structure, identified as a granny annex and currently linked to the main dwelling by the covered access, would be retained but converted into a bedroom for one of the flats.

6. The rear extension would extend into the garden by around the same distance as the conservatory and covered access. However, there would be a significant increase in height across the full width of the house. This would also extend beyond the edge of the main building over the current covered access and court yard. The existing gap between the end of the conservatory and the neighbour's extension would also be filled. The height and depth of the rear extension would be similar to that of the neighbouring property. However, the increased width of the extension beyond the end of the main building, the shallower, tapering nature of the garden and the end terrace location all combine to create a different context to that of the neighbouring dwelling.
7. Whilst there is already a degree of alteration to the rear elevation, the extension would add considerably to the scale and mass of development over and above what is already in place. This would be exacerbated by the lowering of the levels to facilitate the creation of the lower ground floor level. As a result of its height, width and architectural style, the extension would create an unduly dominant and bulky feature that would not have proper regard to the characteristics of the site or surroundings. In particular, the scale and bulk of the extension would appear overly cramped in a garden of this size and shape, particularly where the garden narrows. Whilst there are already buildings in the space, the significant change in architectural style and increase in height and bulk of the extension would appear excessive and unsympathetic to the site's characteristics and constraints.
8. I note that the Council has not raised any concerns over the amount of amenity space available in terms of the living conditions of the occupants. This is from a purely quantitative calculation and does not take account of the shape of the space available. From a character and appearance perspective, the shallow depth and triangular shape of the plot serves to emphasise the large scale of the extension and its dominant form. In the same vein, the fact the development is within London Plan guidelines for development density does not take account of the characteristics of the site or the specific impact of the extension.
9. I acknowledge that the rear extension would not be particularly visible to anyone other than the occupants on Gainsborough Road or users of the footpaths. I also accept that the buildings that would be replaced add little to the character of the building at present. However, this does not alter my view that the scale and nature of the extension would result in the unacceptable overdevelopment of a constrained plot that would have a materially detrimental impact on the character and appearance of the area. Accordingly, there would be conflict with London Plan policies 7.4 and 7.6, policies CS1 and CS5 of the Core Strategy¹, policy DM01 of the Development Management Policies Development Plan Document² (DMP) and the Residential Design Guidance Supplementary Planning Document (2013)(RDG) which, amongst other things, seek to ensure development is of a high standard of design which preserves and enhances local character.

¹ Barnet's Local Plan – Core Strategy – September 2012

² Barnet's Local Plan - Development Management Policies Development Plan Document – September 2012

Living conditions

10. The rooms marked as living room/kitchen need to have obscured glazing in the main windows to protect the privacy of residents on Gainsborough Road. Whilst I am satisfied that this would be effective in this regard and would allow sufficient light to enter these rooms, it would negatively affect the overall outlook of future occupants to a considerable degree.
11. The clear glazed high level windows and the upper parts of the main windows on the rear elevation would allow occupants to see something of the outside world, albeit mainly the sky or roofline of the dwellings on Gainsborough Road. One of the rooms would have a small clear glazed side window, albeit again it a high level that would not provide a significant level of outlook. These are likely to be the most well used rooms of the flats and the large amount of obscured glazing of the main windows would create an unacceptable sense of enclosure and confinement that would diminish the quality of the interior environment to the material detriment of the living conditions of future occupiers. The rooflights provided would have no benefits in terms of outlook.
12. The appellant has suggested this arrangement has been found acceptable elsewhere, and that many nearby dwellings have similar arrangements or use net curtains. Net curtains are not as restrictive as obscured glazing and I have been provided with no details of any other schemes where the Council have found this arrangement to be acceptable. The appellant also suggests that future occupiers could use the rooms differently as shown on the plans. However, having considered the internal arrangements, it is unlikely that any of the bedrooms would be used as either the main living room or kitchen. In any event, even if the rooms with obscured glazing were to be used for bedrooms, it would still be unacceptable to have a main habitable room with insufficient outlook.
13. Consequently, I find the level of outlook that would be provided is insufficient and the living conditions for future occupants would be unsatisfactory. This would conflict with Core Strategy policies CS1, policy DM01 of the DMP and the RDG which, amongst other things, seek to ensure development is designed to provide an adequate outlook for occupants. The development would also conflict with paragraph 17 of the National Planning Policy Framework which seeks to ensure a good standard of amenity for all occupants of an area.
14. The Council has referred to Core Strategy policy CS5 in its reason for refusal on this issue. This policy mainly relates to character and design and thus is not directly relevant to the second main issue I have identified. The Council also highlights DMP policy DM02, which sets out what local and national standards development will be expected to adhere to. They have also referred to London Plan policy 3.5 and Table 3.3, which set out the minimum space standards for dwellings. However, the Council have accepted in their evidence that the development would meet these space standards. As such, I see no particular conflict with either of these policies.

Other matters

15. I acknowledge that the alterations to the front porch and replacement of a dilapidated garage would make some improvements to this aspect of the building. However, this would not be sufficient to outweigh the overall impact of the development on the character and appearance of the area. I have also

noted the fact that the proposals were amended during the application to try to address some of the Council's issues. However, in my view, the scale of the extension would still result in the unacceptable overdevelopment of the plot.

16. The appellant has drawn my attention to the refusal of an earlier proposal which did not refer to the scale of the rear extension and that the appeal proposal is smaller than what was previously proposed. I have not been provided with the details of this application and thus cannot carry out a direct comparison of the schemes or comment on the consistency of the Council's decision. In any event, I have considered this appeal on its own merits based on the evidence before me and my own observations of the site.
17. The additional flat would make a limited contribution to the housing land supply and would be in a sustainable location. I have noted that the Council have not raised any significant concerns over other issues, such as living conditions of occupants of neighbouring properties or highway safety. I saw nothing to suggest that their conclusions on these matters are not valid. However, these factors do not outweigh the unacceptable impact the development would have on the character and appearance of the area or the living conditions of future residents.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR