

Appeal Decision

Site visit made on 21 November 2016

by Clive Tokley MRTPI

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

Decision date: 25 November 2016

Appeal Ref: APP/N5090/D/16/3158729

26 Parkside Gardens, East Barnet, Barnet, EN4 8JR.

- 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 Mani Hussain against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3820/RCU, dated 9 June 2016 was refused by notice dated 16 August 2016.
 - The development proposed is described as a retrospective planning application for the construction of an external canopy to the rear elevation of the subject dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and its effect on the living conditions of the occupiers of No 25 and No 27 Parkside Gardens as regards outlook.

Reasons

Character and appearance

3. No 26 lies at the centre of a terrace of three dwellings within an extensive residential area. The three houses step up from No 25 through to No 27 to accommodate the rising land in Parkside Gardens. All three houses have been extended at ground floor level at the rear. The gardens immediately to the rear of the extensions are at lower levels than the houses. The canopy the subject of this appeal has been built above a paved area at an intermediate level between the rear extension at No 26 and the garden beyond. It comprises a polycarbonate roof on a timber framework supported by the rear wall of the extension and three vertical timber posts.
 4. The materials used in the construction of the canopy are not consistent with the predominantly exposed brickwork and rendered walls and tiled roofs of the houses in the vicinity; however lightweight structures such as the canopy are not unusual in residential areas and I noted the similarly-roofed conservatory at the rear of No 27.
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5. The canopy is not widely visible from outside the appeal property and in the context of the extended dwellings and outbuildings that are typical of residential areas I consider that it does not materially detract from the character or appearance of the area as a whole.

Living conditions

6. The Council's *Supplementary Planning Document – Residential Design Guidance* (SPD) was adopted in 2013 and includes a range of guidance for residential extensions. One of the objectives of the guidance is to safeguard the living conditions of the occupiers of adjacent dwellings and it indicates that the depth and/or height of an extension should not cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties.
7. The SPD indicates that when considering single storey rear extensions a depth of 3m is normally considered acceptable for terraced properties; the guidance goes on to draw attention to the situation where an adjoining house is at a lower level when the depth of the proposed extension may need to be reduced in order to protect the amenities of the neighbouring occupier.
8. The rear extension at No 25 is built at a lower level than the appeal property but its rear wall continues the line of the extension at No 26. The extension at No 25 has rear-facing glazed doors serving a living room within about 0.5m of the boundary with No 26. The roof verge and underside of the canopy roof are visible through those doors from within the extension at No 25 and the canopy is clearly in view from the rear garden of that dwelling. The skeletal nature and translucent roof of the canopy limit its physical bulk however the presence of the structure creates a sense of enclosure. The canopy has an unattractive unfinished appearance and this combined with its height as compared with No 25 results in an un-neighbourly relationship that unacceptably detracts from the outlook from No 25.
9. The house at No 27 Parkside Gardens has a small rear projection alongside the side boundary with the appeal property which reduces the relative depth of the canopy. In addition the canopy is at a reduced level as compared with No 27 and the rear windows at No 27 are off-set from the boundary. These factors result in the proposal having a very limited effect on the living conditions of the occupiers of No 27.
10. The appellant draws attention to the permitted development prior approval procedures; however the objection raised to this proposal by the occupiers of No 25 leaves me in little doubt that even if the canopy had not already been built there would be no realistic prospect of a "permitted development" fall back.
11. Taking account of all matters I have concluded that the proposal unacceptably detracts from the outlook from the house and garden of No 25 Parkside Gardens. Taking account of the relative levels the proposal would not accord with the Council's SPD and would conflict with Policy DM01 of *Barnet's Local Plan Development Management Policies* (2012). It would also conflict with one of the core planning principles of the National Planning Policy Framework which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matter

12. The Council Officer report refers to the use of the appeal property as a house in multiple occupation (HMO) commenting that this is a separate matter. The appeal proposal does not concern the use of the building and I have determined the appeal on the basis that the property is a single dwelling.

Conclusion

13. I have noted the appellant's comments that the canopy would enhance the use of the patio area but I consider that the benefit derived by the occupiers of the appeal property would not outweigh the harm caused to the occupiers of No 25.

14. I have concluded that the proposal does not detract from the overall character and appearance of the area; however I conclude that it unacceptably detracts from the outlook from No 25 Parkside Gardens and for that reason the appeal should not succeed.

Clive Tokley

INSPECTOR