

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/16/3158156
23 The Ridgeway, London, N11 3LG.

- 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 Mrs K Brusa against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3347/HSE, dated 21 May 2016 was refused by notice dated 27 July 2016.
 - The development proposed is a white PVCU conservatory 5.5m wide x 3.3 m projection to rear of the property.
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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 21 The Ridgeway as regards outlook.

Reasons

Character and appearance

3. No 23 (with No 21) forms one of a number of semi-detached pairs of houses on the north side of The Ridgeway. The pairs have narrow spaces between them allowing very limited views through to the rear. The back gardens of the houses, in common with the similar houses in Park Way to the north, support a range of out-buildings and shrubs, hedges and mature trees.
 4. The conservatory would add to an existing flat-roofed single-storey rear extension thereby increasing the bulk of the additions to the dwelling. However the relatively lightweight nature of the structure with its predominantly glazed walls and roof would maintain the subordinate character of the extensions as compared with the original house.
 5. The conservatory would not be seen from any public viewpoint and the size and established nature of the rear gardens would result in it being seen only from a small number of neighbouring properties. The Council indicates that the overall depth of the additions to the appeal property would disrupt the harmony of the
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rear building line but I consider that the conservatory would have a very limited effect on the overall character and appearance of the area at the rear of the houses.

6. Conservatories of this nature are common-place in residential areas and the proposal would not appear out of place in this domestic context. On this issue I conclude that the proposal would not unacceptably detract from the character or appearance of the area and would not conflict with Policy DM01b of *Barnet's Local Plan Development Management Policies* (2012) (Local Plan).

Living conditions

7. 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. The SPD indicates that when considering single storey rear extensions to semi-detached properties a depth of 3.5m is normally considered acceptable.
8. The existing rear extension at the appeal property projects back in the order of 2.7m from the line of the rear wall of No 21 (the occupier of No 21 indicates that it is 2.776m). The existing flank wall is just inside the boundary with No 21. Detailed dimensions have not been provided but the proposed conservatory would be off-set from that boundary by about 0.4m and would project back a further 3.3m. The brick flank wall of the conservatory would rise 2.25 m from the top of the plinth with eaves above.
9. The boundary between the appeal property and No 21 is marked by a timber fence that is overgrown with ivy. Beyond that fence, in the garden of No 21, is a row of shrubs and a tall conifer. I did not enter that garden but the appellant does not challenge the plan submitted by the occupiers of No 21 which indicates the position of the shrubs and a tree close to the fence line. Nothing that I saw at my site visit (including a view from the rear bedroom window) leads me to doubt that the submitted plan is correct.
10. The rear of No 21 is lit by a shallow bay window close to the boundary with No 23. The outlook from this window is affected by existing single storey extension at no 23 but that relationship accords with the SPD guidance. The proposal would result in a combination of flank walls extending back 6m, which would be considerably in excess of the 3.5m indicated by the SPD. The off-set of the rear-most 3.3m would marginally reduce the effect of the proposal but I consider that when seen from the rear window and garden of No 21 the conservatory in combination with the existing extension would be an un-neighbourly structure that would detract from the outlook of the occupiers of No 21.
11. The appellant indicates that the vegetation within the garden of No 21 would not be affected by the proposal and would "totally obscure" it from No 21. I have not received any specialist evidence concerning the effect of the proposal on the future health of the tree and shrubs. I saw at my site visit that as a result of gaps in the vegetation they would not hide the proposal from No 21.

When considering proposals of this nature it is, in my experience, unwise to rely on the long-term presence of vegetation to screen new buildings. I am not convinced that the current presence of the shrubs and tree would be sufficient to mitigate the effect of the proposal.

12. The adopted SPD provides guidance to ensure that (amongst other things) house extensions do not compromise the reasonable living conditions of neighbouring occupiers. The proposal would not accord with that guidance and nothing that I have read or seen persuades me that a combined extension that would significantly exceed the depth indicated in the SPD should be permitted here.
13. Taking account of all matters I have concluded that the proposal would unacceptably detract from the outlook from the house and garden of No 21 The Ridgeway. The proposal would not accord with the Council's SPD and as regards living conditions it would conflict with Policy DM01e of the Local Plan. 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.

Conclusion

14. I have concluded that the proposal would not detract from the overall character and appearance of the area; however I conclude that it would unacceptably detract from the outlook from No 21 The Ridgeway and for that reason the appeal should not succeed.

Clive Tokley

INSPECTOR