
Appeal Decision

Site visit made on 22 November 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 09 December 2016

Appeal Ref: APP/N5090/D/16/3155933

8 Warwick Road, New Barnet, Barnet EN5 5EQ

- 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 Matthew Dowling against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/2886/RCU, dated 29 April 2016, was refused by notice dated 15 July 2016.
 - The development is described as retrospective planning submission for a raised patio to rear of property, with privacy wall to one side which borders with 124 Bulwer Road.
-

Decision

1. The appeal is allowed and planning permission is granted for a raised patio to rear of property, with privacy wall to one side which borders with 124 Bulwer Road at 8 Warwick Road, New Barnet, Barnet EN5 5EQ in accordance with the terms of the application, Ref 16/2886/RCU, dated 29 April 2016, and the plans submitted with it.

Procedural Matter

2. The development proposed is described as a retrospective planning submission for a raised patio to rear of property, with privacy wall to one side which borders with 124 Bulwer Road. It was clear from my site visit that the raised patio and privacy wall have been constructed, and I have therefore determined the appeal on the basis that the development has already occurred.

Main Issue

3. The main issue in this case is the effect on the living conditions of the occupiers of 10 Warwick Road and 124 Bulwer Road, with particular regard to outlook and privacy.

Reasons

4. The appeal property forms one half of a semi-detached dwelling, which has recently been extended at single storey level to the rear. The extension opens onto the patio area from which has steps leading down into the garden area below.
 5. No 10 Warwick Road is the adjoining semi. This property has not been extended to the rear and its patio area lies adjacent to No 8's recent extension and a couple of short terraces lead down from this patio into their garden area
-

- below. A close boarded fence forms the common boundary between Nos. 8 and 10 and it steps down in height as it extends towards the rear garden areas, taking account of the changing land levels.
6. There are no views from the new patio area towards the rear windows or patio of No 10 by reason of the height of the common boundary fence and the relative position of the patio areas to each other. Although there are views from the patio over the end of No 10's rear garden area, this area would always have been subject to mutual overlooking by reason of its depth and the differing ground levels. The new patio area is not visible from No 10, and consequently the outlook for the occupiers of this property has not altered as a result of the development.
 7. The privacy wall has been constructed along the common boundary of the patio area with the rear garden of 124 Bulwer Road. Due to the height of this wall there are no views from the patio towards No 124 and consequently no opportunities exist for overlooking and the privacy of the occupiers of No 124 has been safeguarded.
 8. No 124 has a deep rear garden. Although the cumulative scale of the privacy wall and adjoining extension is accentuated by its light finished colour, its distance from the rear elevation of No 124, and the intervening position of their garage, reduces its visual impact. For these reasons I do not consider that the privacy wall has a harmful effect on the outlook from No 124 nor is it overbearing.
 9. I conclude that the raised patio to rear of the property and privacy wall would not have a harmful effect on the living conditions of the occupiers of 10 Warwick Road or 124 Bulwer Road, having particular regard to outlook and privacy. I therefore find no conflict with the development plan and in particular with Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan, Core Strategy, 2012 which seek, amongst other things, to promote sustainable development and protect and enhance Barnet's high quality suburbs. I also find no conflict with Policy DM01 of Barnet's Local Plan, Development Management Policies, Development Plan Document, 2012 and Residential Design Guide, Supplementary Planning Document, 2013 which seek to ensure that new development proposals are designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Conclusion

10. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR