



Appeal Decision

Site visit made on 2 December 2016

by Peter D Biggers BSc Hons MRTPI

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

Decision date: 16 December 2016

Appeal Ref: APP/N5090/D/16/3160397

57 Angus Gardens, Colindale, London NW9 5LG

- 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 Tony Cunningham against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/4581/HSE, dated 22 July 2016, was refused by notice dated 19 September 2016.
 - The development proposed is 3.658 metre deep single storey rear extension to a house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has raised concerns regarding procedural issues in the way the Council handled the application. However these are not before me as part of my determination on the planning matters of the case. If the appellant wishes to pursue these he should do so through the Council's formal complaints procedure.

Main Issue

3. The main issue is whether the proposed development would have an adverse impact on present and future living conditions for neighbouring occupiers in particular those at No 59 in respect of light levels and outlook.

Reasons

4. Angus Gardens, where the appeal site is located, is a street of uniform semi-detached 2 storey houses in brick and tile. Most of the houses are separated to the side although some, including No 57, are linked to neighbouring properties by garages in this case with No 55.
 5. I have been referred to other rear extensions in both Angus Gardens and Montrose Avenue which the appellant suggests are of a similar scale to that proposed and justify allowing the appeal. From what I was able to observe on site I am not persuaded that they are directly comparable and I will determine the appeal case on its own merits.
 6. The design of the rear extension to No 57 has been amended to reduce its scale over previous applications to the point where it is now proposed to extend to a stated depth of 3.658 metres. This would be an improvement compared to previous proposals. However, because the new rear elevation of No 57 would stand
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forward of the current rear elevation of No 59 and would be on the south side there would be a loss of sunlight to the rear ground floor living room window of No 59 at certain times of the day and particularly in winter when the sun is lower in the sky. Moreover the outlook from the closest window to the boundary in No 59 would be adversely affected by the proximity and depth of the proposed extension.

7. It has been put to me that the occupants of No 59 have not objected to the proposal and intend to construct their own rear single storey extension which would result in the rear elevations to both properties being broadly in alignment. Were that to happen I accept that the extension to No 57 would not have the same detrimental impact on sunlight and outlook to No 59. However, no such permission is currently in place for an extension to No 59 and therefore I must determine the application according to the situation that exists on site at this time.
8. Regarding the potential for impact from the extension on the living conditions of occupants of No 55, I note that No 55 has an existing rear extension to a similar depth to that proposed and the two properties have a degree of side separation at the rear. There would not therefore be any substantive impact of the extension on living conditions for occupants of No 55.
9. The *National Planning Policy Framework* (the Framework) in its core planning principles at paragraph 17 seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM01 of the *Barnet Local Plan – Development Management Policies* (BLP) is consistent with paragraph 17 in seeking to ensure buildings are designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Moreover the *London Plan* at policy 7.6 requires that buildings and structures should not cause unacceptable harm to the amenity of surrounding residential buildings. The Council has also produced *Residential Design Guidance* in a Supplementary Planning Document (SPD) which seeks to ensure extensions avoid harmful loss of light or loss of outlook. The guidance suggests that an acceptable depth of single storey rear extension is 3.5 metres which the proposal exceeds. I accept that this is guidance only and the extension is only slightly deeper; nevertheless the impact of the extension on the unextended neighbour at No 59 would be likely to be significant.
10. For the reasons above, the extension would have a harmful impact on living conditions for the occupants of No 59 in terms of sunlight and outlook contrary to the policy objectives in both BLP policy DM01, the Framework and SPD guidance.
11. I accept that the appellant, in proposing the extension, would be seeking to make sustainable and effective use of his home, an objective which is encouraged by the Framework. I acknowledge that the extension has been planned to meet the changing requirements of the appellant's family but this does not outweigh the adverse impact the extension would have on the current house at No 59. As such the appeal should be dismissed.

P. D. Biggers

INSPECTOR