
Appeal Decision

Site visit made on 4th January 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 17 January 2017

Appeal Ref: APP/N5090/D/16/3161784

5 Wilton Road, Muswell Hill, London, N10 1LX.

- 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 Nicholls against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 16/3544/HSE, dated 27 May 2016, was refused by notice dated 4 August 2016.
 - The development proposed is partial extension to side return and proposed extension to full width of outrigger to the rear.
-

Decision

1. The appeal is dismissed insofar as it relates to the partial extension to side return. The appeal is allowed insofar as it relates to proposed extension to full width of outrigger to the rear and planning permission is granted for proposed extension to full width of outrigger to the rear, at 5 Wilton Road, Muswell Hill, London, N10 1LX, in accordance with the terms of the application Ref: 16/3544/HSE, dated 27 May 2016, and the plans submitted with it (so far as relevant to that part of the development hereby permitted) and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: No: 1525.A-03-001-05: Location Plan; No: 1525.A-03-114-01-05: North Elevation as Existing; No: 1525.A-03-114-01-07: North Elevation as Existing; No: 1525.A-03-114-02-07: East Elevation as Existing; No: 1525.A-03-112-01-05: Kitchen Level as Existing; No: 1525.A-03-112-02-05: First Floor as Existing; No: 1525.A-03-113-001-05: A-A Section as Existing; No: 1525.A-03-113-002-05: B-B Section; No: 1525.A-03-113-003-05: C-C Section; No: 1525.A-03-113-004-05: D-D Section; No: 1525.A-03-113-005-05: E-E Section; No: 1525.A-03-113-006-05: F-F Section; No: 1525.A-03-113-007-05: G-G Section; No: 1525.A-03-132-01-05: Kitchen Level as Proposed; No: 1525.A-03-132-02-05: First Floor as Proposed; No: 1525.A-03-133-01-05: A-A Section as Proposed; No: 1525.A-03-133-02-05: B-B Section as Proposed; No: 1525.A-03-133-03-05: C-C Section as Proposed; No: 1525.A-03-133-04-05: D-D Section as Proposed; No: 1525.A-03-133-05-05: E-E Section as Proposed; No: 1525.A-
-

03-133-06-05: F-F Section as Proposed; No: 1525.A-03-133-07-05: G-G Section as Proposed; No: 1525.A-03-134-01-05: North Elevation as Proposed; No: 1525.A-03-134-01-07: North Elevation as Proposed; No: 1525.A-03-134-02-07: East Elevation as Proposed.

- 3) The roof of the extension hereby permitted shall at no time be used or converted to a balcony, roof garden or sitting out area.

Main Issue

2. The main issue in this appeal is the implications of the proposal for the living conditions of occupiers of No 3 Wilton Road by virtue of the potential for loss of outlook and light and increased sense of enclosure.

Reasons

3. The proposed side extension would stand close to the ground floor flat at No 3 Wilton Road and I viewed the interior of that property at my visit. The interior layout reflected that depicted in the appellant's submissions, namely with tall French doors serving the rearward facing bedroom and a side window serving the lounge, which faces onto the side of the appeal property.
4. The proposed side extension would directly abut the boundary with No 3 and would extend for some distance along its length. Because of the narrow width of the rear yards at this point, this would bring the side wall of the extension extremely close to the lounge window of that property. The outlook from this window is already constrained by the two storey outrigger to the appeal property, but the appeal proposal would render this impact more acute as it would be at very close quarters. The effect would be oppressive and extremely overbearing and the white finish proposed by the appellant would not overcome this concern. I also cannot accept that the proposed extension would be directly comparable to a 2 metre fence/wall that could be erected, due to its greater height and massing.
5. The impact on the bedroom would be less severe as the floor level of that room is elevated relative to the rear yard and the tall French windows afford a reasonably pleasant outlook down the rear of No 3. Nonetheless, due to the length of the extension, it would create something of an enclosing effect to that outlook; again more acute than that presented by the existing rear outrigger to No 5 due to its closer proximity.
6. The appellant stresses the "fallback position" in terms of the potential to implement a less deep but taller extension which was granted consent under the terms of application Ref: 16/5789/192. I have given this careful consideration, as that particular proposal would also undoubtedly impact on No 3, although it is by no means certain that it would be implemented. On balance, however, I consider that the appeal proposal would have a greater impact due to its greater length along the boundary.
7. The Council and occupier of No 3 also cite the potential for loss of light. Although the existing two storey outrigger to the appeal property will inevitably have some impact in this regard, I consider that the lounge window in particular to No 3 would be adversely affected by loss of daylight, given its position cheek by jowl with the side of the proposed extension. The fact the lounge area

benefits from borrowed light from the kitchen, would not overcome my concern in this regard.

8. Overall on the main issue, I thus conclude that the proposed side extension would be unacceptably harmful in terms of loss of outlook and light and increased sense of enclosure to the occupiers of No 3 Wilton Road. This would bring it into conflict with Policies CS1 and CS5 of the Barnet's Local Plan Core Strategy Development Plan Document (2012), Policy DM01 of the Barnet's Local Plan Development Management Policies Development Plan Document (2012), Policy 7.6 of the London Plan (2016) and the guidance in the Supplementary Planning Document: *Residential Design Guidance* (2013), which seek to ensure that new development creates a quality environment and does not cause unacceptable harm to the amenity of surrounding buildings, including allowing adequate outlook for adjoining occupiers and not resulting in a harmful sense of enclosure thereon or loss of light to windows serving principal rooms.
9. The Council take no issue with the extension to the rear of the outrigger. As it would be set away from the boundary with No 3 and have a limited depth, I am satisfied it would have no adverse impact thereon. I shall therefore issue a split decision, allowing this element of the proposal, as it is clearly separate and divisible from the proposed side extension.
10. The Council suggest a matching materials condition, but this is clearly inappropriate since the extension is proposed with contemporary finishes which differ from those on the main house. I shall however, impose a condition confining the approval to the submitted plans for the avoidance of doubt. A condition withdrawing permitted development rights for the insertion of further windows in the side elevation is superfluous, as the side of the allowed extension is glazed. A condition prohibiting the use of the extension roof as a balcony or sitting out area is necessary to protect the amenities of adjoining occupiers from overlooking at an elevated level.

ALISON ROLAND

INSPECTOR