
Appeal Decision

Site visit made on 4 January 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 18th January 2017

Appeal Ref: APP/N5090/D/16/3160163
10 Old Rectory Gardens, Edgware HA8 7LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A, Paragraph A.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Hathi against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/4437/PNH, dated 22 June 2016, was refused by notice dated 8 August 2016.
 - The development proposed is described as a 4.8m single storey rear extension.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Class A, Paragraph A.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) to erect a single storey rear extension with a proposed maximum depth of 4.8 metres from the original wall, eaves height of 3 metres and maximum height of 3 metres at 10 Old Rectory Gardens, Edgware HA8 7LS in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO through application Ref 16/4437/PNH received by the Council on 22 June 2016.

Procedural Matters

2. The Council changed the description of the development from that provided on the application form to 'single storey rear extension with a proposed maximum depth of 4.8 metres from the original wall, eaves height of 3 metres and maximum height of 3 metres'. This is a more accurate description of the proposed development which I have used in the determination of this appeal.
 3. The Council refused the application for prior approval on the basis that an objection had been received to the application. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.
 4. The Council has also referred to the impact of the proposed development on the character and appearance of the locality. However, this is not a matter that falls to be considered under the provisions of the GPDO. I shall return to this matter later.
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Main Issue

5. The main issue is the effect of the proposed development on the living conditions of nearby residents with particular regard to outlook.

Reasons

6. Schedule 2, Part 1, Class A of the GPDO allows for the enlargement, improvement or other alteration of a dwellinghouse. Until 30 May 2019, Paragraph A1(g) (i) of that Class makes provision, subject to conditions, for single storey rear extensions, on properties other than detached, up to 6m in length and 4m in height.
7. The appeal property comprises a semi-detached dwelling located at the head of a cul-de-sac which has a relatively small rear garden. The proposed extension would have a depth of 4.8m and extend from the rear elevation of the dwelling such that the proposed rear façade would be positioned close to the shared property boundary with No 20 Manor Park Gardens.
8. Having notified neighbouring occupants of the proposed development, objections were received by the Council from the occupants of properties on Manor Park Gardens. This was on the basis that the proposed extension would lead to a loss of privacy and cause harm to the character and appearance of the locality as a consequence of its disproportionate depth relative to the depth of the garden at the appeal property. This resulted in the need for the Council's prior approval in respect of the amenity of neighbouring premises; this was refused.
9. The council indicate that the proposed extension would be positioned approximately 7m from the closest point of the shared boundary with No 9 Old Rectory Gardens. Owing to the angular alignment of properties around the cul-de-sac and the presence of an existing garage serving the appeal property, which is positioned on the shared boundary with No 9, the proposed extension would not be readily visible from the garden or windows of No 9.
10. Given the relationship of the appeal dwelling to No 9, and the distance that the proposed extension would be positioned from the property boundary, the proposal would not result in any visual intrusion, overbearing impact or harmful overshadowing to the occupants of that property. Consequently, I agree with the Council that the proposal would not cause any demonstrable harm to the living conditions of the occupants of No 9.
11. The adjoining property at No 11 Old Rectory Gardens has a rear extension extending the full width of the property and positioned adjacent to the shared boundary with the appeal dwelling. The Council indicates that the depth of the rear extension at No 11 is approximately 3m. The proposed extension would be positioned approximately 3.4m from the property boundary with No 11. Given the presence of the existing extension at No 11 and the intervening distance between the proposed extension to the shared boundary, I also agree with the Council that the proposal would not cause any demonstrable harm to the living conditions of the occupants of No 11.
12. Properties on Manor Park Gardens have relatively long rear gardens. The appellant indicates that the rear façade of the proposed extension would be approximately 18m for the rear elevation of No 20 Manor Park Gardens. I have no evidence to suggest that the appellant's calculation of this distance may be

incorrect. The shared boundary between the appeal property and No 20 comprises a close boarded timber fence with substantial conifer planting on both sides.

13. Given the relatively low height of the proposed extension, the existing boundary treatment and the distance to the rear of No 20, I do not consider that the proposed extension would cause any demonstrable harm to the living conditions of the occupants at No 20. The Council, other than identifying that the proposed extension would be visible from No 20, have not cited any specific harm to the occupants of that property that would be caused by the proposed development. Although the proposed extension may be seen above the intervening fence this does not suggest that there would be any material loss of privacy or overlooking, particularly given the height of the proposed extension relative to the boundary treatment and distance to the rear elevation of No 20.
14. The Council indicates that the size of the extension would not be subordinate to the host dwelling and as the extension would be positioned close to the rear property boundary it would be like no other in the locality which would materially harm the character and appearance of the area.
15. I noted at my site visit that several properties on Old Rectory Gardens, including the adjacent properties, have substantial rear extensions. In my view, the proposed extension is of a size that would be commensurate with those that already exist at several other properties in the area. Given its proposed single storey nature and size relative to the host dwelling, I consider that it would appear as subordinate to the existing dwelling. Consequently, I do not consider that the size of the proposed extension would materially conflict with the guidance provided in the adopted Supplementary Planning Document: Residential Design Guidance (2013).
16. I recognise that the position of the proposed extension relative to the rear property boundary would be unusual in the area. However, from my site inspection the appeal property also has a shallower rear garden than others that I could observe in the locality and it appears to me that any reasonably sized rear extension would need to be positioned close to the rear boundary.
17. The GPDO limits the assessment of proposals to the impact on the amenity of any adjoining premises. Taking into account the above factors and in particular, the relationship of the proposed extension to existing development; the presence of well-established boundary treatment in the locality; its single storey height and the fact that it would not be readily seen from any public views leads me to conclude that the proposed extension would not cause any overbearing, overshadowing or loss of outlook impacts that could reasonably be interpreted to have a detrimental effect on the amenity of adjoining premises.
18. The fact that the proposed development may be unusual in the locality and may be seen from No 20 does not suggest that this would cause the amenity of adjoining premises to be demonstrably harmed. Whilst the extension would be visible from No 20 it would not in itself be harmful to neighbours living conditions. Moreover, given the relatively low height of proposed extension and its similarity in size with others in the vicinity, the enclosed nature of the rear garden and limited views, I do not consider that the proposal would cause any material harm to the character or appearance of the area.

19. However, the issue of character and appearance is not a matter that is specifically identified as being applicable to the consideration of Schedule 2, Part 1, Class A, Paragraph A.1 of the GDPO. In any event, I do not consider that the proposed development would harm the character and appearance of the area and consequently there would be no conflict with Policies CS1 and CS5 of the Barnet Core Strategy (2012) and Policy DM01 of the Barnet Development Management Policies Document (2012). These policies, amongst other things, require that development preserves local character and respects the scale, mass, height and pattern of surrounding development.

Other matters

20. I note the concerns raised by neighbouring occupants with regard to the impact of the proposed extension on roots of existing trees. However, this is not a matter that falls to be considered under the provisions of the GPDO

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed and approval granted. In granting approval the appellant should note that the GPDO requires at Paragraph A.3 that materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwelling. In addition, Paragraphs A4 (13)(14) and (15) require that the development shall be completed on or before 30 May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

Stephen Normington

INSPECTOR