
Appeal Decision

Site visit made on 1 February 2017

by Simon N Hand MA

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

Decision date: 10 February 2017

Appeal Ref: APP/N5090/C/16/3156011

Land at 43 Kingsbury Road, London, NW9 7HU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Parul Chiragkumar Narshana against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice, numbered ENF/00247/16, was issued on 4 July 2016.
 - The breach of planning control as alleged in the notice is without permission the construction of a single storey rear extension in excess of four metres within the last four years.
 - The requirements of the notice are restore the dwelling to the state in which it was prior to the breach of planning control by demolishing the single storey rear extension.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a single storey rear extension on land at 43 Kingsbury Road, London, NW9 7HU referred to in the notice.

The Appeal on Ground (a)

2. The appellant received notification from the Council that prior approval for a rear extension which was 4m deep, an eaves height of 3m and a maximum height of 3.4m, was not required. Following an investigation it turned out the appellant's extension was 4.8m deep and 3.14 to the eaves.
3. The Council refer to policy DM01 of their Development Management Policies Development Plan Document, which seeks to protect the character and amenity of Barnet. Kingsbury Road is a busy road and No 43 is one of a terrace of houses. The neighbour's house at No 41 stands on the corner of a side road. From this side road there are clear views of the rear of the terrace fronting Kingsbury Road. The area is predominantly residential, made up of a mixture of housing types and styles. There is no preponderant material used in the houses, nor a particular style or character to the immediate area. Red brick, such as has been used on the extension is not usual, but the neighbours at No 45 also have a red brick rear extension, and the roofs of the three houses are covered in red tiles, so the use of brick does not stand out.

4. The neighbours to both sides have rear extensions, No 45's is just under 4m deep and No 41's is 3.5m deep. The appeal extension therefore extends beyond both the neighbouring extensions. However, the extra depth is less than 1m to No 45 and about 1.3m to No 41. The gardens face south and so would receive plenty of sunlight and the impact on No 45 would be marginal. The difference to No 41 is greater, but as I was able to see, not excessive. There would be some loss of evening sunlight on the back of the house, but this is unlikely to be significant. The neighbour has two rear facing windows in their extension, one of which is close to the wall of the appeal extension. Views from this window would be affected by the 1.3m wall, but there are still clear views down the garden. The impact on the window would be a little more than say if a 2m fence was erected instead, but only marginally so. In my view the extension is not materially harmful to the character of the area or the amenity of the neighbours. The extension thus does not conflict with DM01 and I shall allow the appeal on ground (a). The appeal on ground (g) does not need to be considered. No conditions have been suggested and as the development is completed none are required.

Simon Hand

Inspector