

Appeal Decision

Site visit made on 28 February 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 22 March 2017

Appeal Ref: APP/N5090/D/17/3167744

132 Devonshire Road, Mill Hill, Barnet, London NW7 1DJ

- 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, Paragraph A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Dinesh Korla against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/6623/PNH, dated 12 October 2016, was refused by notice dated 22 November 2016.
 - The development proposed is 'an extension projecting 4.5m in the rear garden of 132 Devonshire Road'.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for an extension projecting 4.5m in the rear garden at 132 Devonshire Road, Mill Hill, Barnet, London NW7 1DJ in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Preliminary Matter

2. 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, noting the representations made by the occupier of 130 Devonshire Road.

Reasons

3. The appeal proposal would extend 4.5m from the original rear wall of the dwellinghouse. I note that the Council has recently permitted a similar extension measuring 4m in depth.
 4. The side elevation of the extension facing No.130 would be of a flat roofed design measuring 3 metres in height. At this height I acknowledge that the side wall would be a particularly assertive feature and would be clearly visible from the adjacent rear garden area and rear windows of No.130. I also note that 128 Devonshire Road has an existing single storey extension adjacent to No.130.
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5. Whilst the neighbouring property (No.130) has a kitchen window close to the boundary with the appeal site, its other ground floor rear windows are located towards the opposite side boundary. At a depth of 4.5m and taking account that the proposed extension would be set in from the side boundary, I do not consider that the height, depth and massing of the proposed extension would be such to result in any unacceptable impacts in the outlook from either the rear garden or rear windows of No.130. Furthermore, taking into consideration the separation to the side boundary, I do not consider that it would result in an unacceptable sense of enclosure.
6. Given that is only single storey in height and taking account of the albeit limited separation distance between the extension and No.130, I do not consider that it would result in any significant impacts upon the levels and sun and day light received at this neighbouring property.
7. I have also taken into account the Council's recent approval of a similar extension at the appeal site measuring 4m in depth. This represents a realistic fallback position for the applicant. Whilst the appeal proposal would be half a metre deeper, I do not consider that the additional depth and massing of the extension would result in any significant impacts upon amenity.
8. I acknowledge that there would inevitably be some disturbance and annoyance arising from the construction of the proposal. Nevertheless, given the small scale of the construction project and the limited time period over which the construction is likely to take place, I do not consider that the impacts are likely to be of such intensity to result in any significant harm upon the amenity of the occupiers of neighbouring properties.
9. There is no compelling evidence to lead me to consider that the proposals would lead to any adverse drainage or soakaway implications for neighbouring properties. Nor have I found that any windows are proposed that would directly overlook the neighbouring property at No.130 and therefore no adverse privacy impacts would result. I have also considered the neighbours concern that the proposal would negatively impact upon the property value, though I see no reason why this should be so and I have therefore only given it minimal weight in my considerations. Concerns over the future use of the property also carry minimal weight given that the dwelling is intended to remain as a single dwellinghouse.
10. I note that the Barnet Supplementary Planning Document: Residential Design Guidance states that a single storey rear extension should not normally exceed 3.5m for semi-detached properties and 4 metres for detached properties. The relationship between the appeal property and No.130 is akin to that between two detached properties. However, in this case for the reasons set out above, I find the proposed extension to be acceptable taking account of the particular circumstances of this case.

Conclusion

11. Overall, taking all matters before me into account, I find that the proposed extension would not result in any unreasonable impacts upon the amenity of any neighbouring properties, including for the occupiers of 130 Devonshire Road.

12. I conclude that the appeal should be allowed and approval granted. In granting approval the appellant should note that the GPDO requires at Paragraphs A4 (13), (14) and (15) that the development shall be completed on or before 30th May 2019 and that the developer shall notify the local planning authority as soon as practicable after completion. Such notification shall include the name of the developer; the address or location of the development; and the date of completion.

David Cliff

INSPECTOR