
Appeal Decision

Site visit made on 20 March 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: 5 April 2017

Appeal Ref: APP/N5090/W/16/3158859

Flat 2, 104 Salisbury Road, Barnet, EN5 4JN

- 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 James Sharp against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3433/FUL, dated 25 May 2016, was refused by notice dated 29 July 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at Flat 2, 104 Salisbury Road, Barnet, EN5 4JN in accordance with the terms of the application, Ref 16/3433/FUL, dated 25 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawing No 497/1; Drawing No 497/2.
 - 3) The external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The plans submitted with this appeal, showing the proposed ground floor rear extension, include two drawings both of which have the same date and drawing number. These are shown as May 2016 and Drawing Number 497/2. One of these plans shows the proposed rear extension extending from the rear wall of the building adjacent to the property boundary with No 102 for a distance 3m with a set in of 1.5m before extending a further 1m. The other plan shows a 4m projection extending from the rear wall of the building with no set in.
 3. The Council determined the planning application on the basis of the plan showing the 1.5m set in. I have no evidence to indicate that the plan showing a straight 4m projection was considered by the Council. Consequently, I have determined this appeal on the basis of the plan that shows a 1.5m set in that was considered by the Council.
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Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupants of No 102 Salisbury Road with particular regard to outlook and light.

Reasons

5. The appeal property comprises a former detached dwelling that has been converted into five flats. This appeal relates to the ground floor flat which has an existing double bay ground floor rear extension that extends approximately 1.5 m from the original rear façade of the property. The south eastern end gable of the appeal building forms the property boundary with No 102.
6. The adjacent property at No 102 is an end terrace with the end gable separated from the property boundary with No 104 by a small gap. No 102 has a rear two storey outrigger that is set in to the south east from the end gable. The side elevation of the outrigger facing the appeal site contains a window which the Council indicates serves a dining room. The outrigger also has a flat roof rear ground floor extension with a glazed door facing the appeal property and a conservatory extension that projects beyond the rear façade of the ground floor extension. The combination of these elements results in a considerable depth of extensions at No 102 that project beyond the rear façade of the appeal property.
7. The proposed development would involve the demolition of the existing double bay rear extension and its replacement with a single storey extension that would extend the full width of the rear elevation of the appeal property. The south eastern elevation of the proposed extension would project along the property boundary with No 102 for a distance of 3m before being set in by 1.5m and thereafter projecting by a further 1m to give a total depth of 4m. The proposed extension would have a pitched roof with a maximum height of approximately 4m. No windows are proposed in the side elevation facing No 102.
8. Given the depth of the proposed extension in relation to the position of the glazed door and windows of the conservatory at No 102, I do not consider that it would have any effect on the outlook or light received at this door and windows. It would have some effect on the outlook from, and light received at, the dining room window.
9. However, I have taken into account the intervening distance between the proposed side elevation of the extension and the dining room window at No102 and the provision of the 1.5m set in which ensures that oblique light to this window is retained. I also agree with the appellant that the view from the dining window is towards the timber panel boundary fence which already compromises the outlook from the window to a significant extent. As a consequence of the set in of the proposed extension, oblique views from the dining room window would be retained also. Taking these factors into account, I do not consider that the proposed development would result in any loss of light or outlook to No 102 of an extent to warrant the dismissal of this appeal.
10. For the above reasons I do not consider that the proposed development would cause demonstrable harm to the living conditions of the occupants of No 102 Salisbury Road with particular regard to outlook and light. Consequently there

would be no conflict with Policy CS5 of the Barnet Local Plan Core Strategy (2012) or Policy DM01 of the Barnet Local Plan Development Management Policies Development Plan Document (2012). These policies, amongst other things, require that new development should contribute to peoples' sense of place and should be designed to allow for adequate light and outlook for adjoining occupiers.

Conditions

11. In addition to the standard time limit condition, I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the character and appearance of the area, I have also imposed a condition concerning the external materials to be used.

Conclusion

12. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR