

Appeal Decision

Site visit made on 21 March 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/N5090/D/17/3167917

28 Horton Avenue, Cricklewood, London, NW2 2SA

- 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 and Mrs Jones against the decision of the Council of the London Borough of Barnet
 - The application Ref 16/5787/HSE, dated 2 September 2016, was refused by notice dated 2 November 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 28 Horton Avenue, Cricklewood, London, NW2 2SA in accordance with the terms of the application, Ref 16/5787/HSE, dated 2 September 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the neighbouring occupiers of Nos 26 and 30 Horton Avenue, with regards to outlook.

Reasons

3. The appeal property is a two storey terraced dwelling. It is located in a residential area, characterised by similar two storey terraced dwellings.
 4. The appeal property, like other houses along this side of the street, is set back from the road behind a parking area and has a long garden to the rear. The presence of parking areas and the relatively densely developed housing provides for an urban frontage that contrasts with the green, open and spacious garden land to the rear of No 28 Horton Avenue and its neighbours.
 5. During my site visit I observed that many dwellings in the area have been altered and/or extended and that, by and large, these changes appear in keeping with host properties and local character. No 28 has a small extension to the rear at ground and first floor level. This projects a little beyond the rear building line of the adjacent property, No 26 Horton Avenue and is more or less level with the rear building line of No 30. Consequently, whilst both No 26 and No 30 have rear windows relatively close to the appeal property, the existing extension does not detract from their outlook.
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6. I also observed during my site visit that the existence of an alley-way between the appeal property and No 30 provides for a notable gap between the two properties.
7. The proposed development would result in a ground floor extension that would project beyond the rear building line of both Nos 26 and 30. Due to the presence of a notable gap between Nos 28 and 30 and the existence of an extension to the rear of that property, I find that there would be little, if any, impact arising from the proposal in respect of the outlook from No 30.
8. In respect of No 26, I noted during my site visit that the rear patio doors, providing immediate access onto the rear patio, are set well away from the rear boundary with No 28. As a consequence of this, the main outlook through these doors and from the patio itself, would be dominated by views of the long garden to the rear and the expansive and spacious garden land beyond.
9. Whilst the proposed development would be visible from the nearest ground floor window of No 26, it would not extend so much higher than the existing boundary with the appeal property as to appear unduly dominant. Rather, it would strengthen the garden boundary and as a result of this, would, to some small degree, extend the privacy enjoyed by the occupiers of No 26.
10. The length of the rear gardens and the spacious characteristics of the area to the rear of properties along this side of Horton Avenue would mean that the proposal would not, in any way, result in a sense of enclosure and whilst the Council suggest that there would be a loss of light, I find that the relatively low height and small scale of the proposal would not result in any undue loss of light and there is no substantive evidence before me to the contrary.
11. The existing extension to the rear of the appeal property is modest and whilst the proposal would add to this, it would do so in a sensitive manner. In particular, the single storey height and limited depth of the proposal would ensure that it would appear subordinate to the host property. It would appear neither overbearing nor intrusive.
12. Taking the above into account, I find that the proposed development would not harm the living conditions of the occupiers of Nos 26 and 30 and would not be contrary to the National Planning Policy Framework, to Barnet's Local Plan Development Management Policies Development Plan Document (2012) Policy DM01, to Barnet's Local Plan Core Strategy Development Plan Document (2012) Policies CS NPPF, CS1 and CS5, or to the Council's Residential Design Guidance Supplementary Planning Document (2016) (SPD), which together amongst other things, seek to protect residential amenity.

Other Matters

13. The proposed development would provide additional space that would be to the benefit of a disabled person living in the property. This is a material consideration, having regard to Paragraph 50 of the Framework, which supports the provision of a wide choice of housing to meet the needs of different people, including people with disabilities. It is a factor that adds weight to my decision below.

14. In support of its case, the Council refers to its Residential Design Guidance SPD. Whilst I note that the proposal would result in a greater rear projection than is considered by the SPD as being normally acceptable, I have found that, in this case, the proposal would not result in significant harm. In this respect, I am also mindful that the SPD simply provides guidance and that each case should be considered on its merits.

Conditions

15. I have considered the conditions suggested by the Council against the six tests set out in paragraph 206 of the Framework. A condition relating to the relevant plan is necessary for the avoidance of doubt and in the interest of proper planning.

16. A condition controlling materials is necessary to protect local character.

Conclusion

17. For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/N5090/D/17/3167917
28 Horton Avenue, Cricklewood, London, NW2 2SA**

- 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 plan: 216039/03.
 - 3) The materials to be used in the external surfaces of the building shall match those used in the existing building.
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