
Appeal Decision

Site visit made on 21 March 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/N5090/W/16/3161254

3-4 St John Cottages, Summers Lane, North Finchley, London N12 0LA

- 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 Mrs Q Xia against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3444/HSE, dated 25 May 2016, was refused by notice dated 28 July 2016.
 - The development proposed is described as three storey rear extension and loft conversion with rear dormers.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development used in the heading above and on the Council's decision notice refers to rear dormers. However the proposal was amended prior to the application being determined by the Council and no longer includes rear dormers. I have determined the appeal accordingly.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties having regard to privacy, outlook and light;
 - whether future occupiers of the host buildings would have adequate living conditions having regard to private amenity space;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions (existing)

4. The ground and first floor rear elevations of the host buildings are set at a higher level than and face towards the rear gardens of a row of residential dwellings fronting Summers Row. Though the existing rear elevations contain a number of windows, the proposed rear extension would result in new ground and first floor windows being 3 metres closer to the rear boundary of the appeal site and would enable increased overlooking of the rear gardens of
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dwelling on Summers Row. In particular the new windows would be very close to the rear garden of No 1 Summers Row and views from them would not be obscured by the flank wall of No 1. Though I note the appellant's suggestion that the windows could be obscurely glazed in order to prevent overlooking, I do not consider that the imposition of a condition requiring the new windows to be obscurely glazed would be reasonable or appropriate given that it appears that the windows would serve habitable rooms.

5. The rear elevation of the host buildings projects beyond the rear elevation of the adjoining property at No 2 St John Cottages, the rear elevation of which contains a number of windows. Though the proposed extension would be set away from the common side boundary with No 2 at first floor level, it would abut up to the boundary at ground floor level. The close proximity of the extension to the rear windows and rear garden at No 2 together with the height and depth of the proposed extension means that there would be a harmful loss of outlook from windows and the rear garden of No 2. The height and close proximity of the proposed extension to the modest rear gardens of nearby dwellings on Summers Row means that it would also have an overbearing effect on these properties.
6. The nearby dwellings on Summers Row are located to the south of the appeal site and the proposed extension. Consequently whilst I note the concerns raised regarding the impact of the proposal on the light that would be received by these properties, I do not consider that any loss of light resulting from the proposal is likely to be significant or materially harmful to living conditions.
7. Taking the above matters into consideration, I conclude that whilst there would not be any significant loss of light resulting from the proposal, it would have a significant adverse effect on the living conditions of occupiers of nearby properties having regard to privacy and outlook. The proposal is therefore contrary to policies CS1 and CS5 of Barnet's Local Plan Core Strategy (CS), policies DM01 and DM02 of Barnet's Local Plan Development Management Policies (DMP) and guidance contained within the Council's Supplementary Planning Document: Residential Design Guidance April 2013 (SPDRDG). These policies and guidance seek, amongst other things, high quality development and development proposals that allow for adequate privacy and outlook and that protect the gardens of residential properties.

Living conditions (future)

8. Both Nos 3 & 4 St John Cottages have modest sized rear gardens at lower ground floor level. The size of both rear gardens would be reduced following the proposal.
9. Policy CS5 of the CS and Policy DM01 of the DMP seek to protect and retain the gardens of residential properties. Policy DM02 of the DMP states that where appropriate, development will be expected to demonstrate compliance with, amongst other things, the Council's Supplementary Planning Document: Sustainable Design and Construction April 2013 (SPDSDC). The SPDSDC sets out outdoor amenity space requirements for houses and states that development proposals for extensions will not normally be permitted if it compromises the minimum outdoor amenity space standards. The SPDSDC states that residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers.

10. The figures produced by both parties show that the existing rear gardens fail to meet the minimum outdoor amenity space standards set out in the SPDSDC. The proposal would reduce the size of the existing rear gardens, would extend the size of the host buildings and would also appear to increase the number of habitable rooms in each dwelling. Consequently, whilst the reduction in the size of the rear garden areas would be relatively small, particularly in respect of No 3, the proposal would result in a more significant breach of the minimum outdoor amenity space standards. I consider that the increase in the size of the accommodation proposed together with the reduction in the amount of outdoor amenity space at the appeal site would be harmful to the living conditions of future occupiers.
11. In reaching my decision I have had regard to the appellant's comment that residents are entitled to construct a 3 metre rear extension at basement level under permitted development legislation. However whilst this may be the case and whilst this would reduce the size of the existing rear gardens, I have no evidence before me to suggest that such rights are likely to be exercised at the appeal site or what form such extensions would take. In any event a single storey extension constructed utilising permitted development rights would be unlikely to increase the number of habitable rooms within the host buildings to the same number that would result from the proposal.
12. Taking the above matters into consideration, I conclude that future occupiers of the host buildings would not have adequate living conditions having regard to private amenity space. The proposal is therefore contrary to policies CS1 and CS5 of the CS, policies DM01 and DM02 of the DMP and guidance contained within the SPDSDC. These policies and this guidance seek, amongst other things, high quality development and development proposals that provide an adequate amount of outdoor amenity space.

Character and appearance

13. The host buildings form the end two residential properties in a small terrace of four properties fronting Summers Lane. Changes in ground levels across the site means that the properties within the terrace are two storey at the front and three storey at the rear. The set-back position of nearby buildings and the alignment of Summers Lane mean that there are views of the rear elevation of the host buildings from Summers Lane and more limited views from Summers Row. The immediate surrounding area contains a mixture of residential and commercial buildings and uses with a variety of building styles, materials and roof forms including pitched, hipped and flat roofs.
14. Though the overall height of the proposed extension would be relatively high, it would have a partially hipped roof and the ridge height would be below the main ridge of the host building. In addition the topography of the appeal site and boundary screening means that the lower ground floor element of the extension would be largely hidden from wider public views. The extension would be set in from the end gable of No 4 St John Cottages, with the first floor element having an additional set back and it would be constructed from materials to match the host buildings. Consequently whilst it would be visible from Summers Lane I consider that the proposed extension would be subservient to the host buildings and would not appear dominating or unduly obtrusive. In addition I do not consider that the resultant building would appear cramped in relation to the appeal site.

15. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect on the character and appearance of the area. It therefore complies with Policy CS5 of the CS, Policy DM01 of the DMP and policies 7.4 and 7.6 of the London Plan (LP) insofar as these policies relate to character and appearance. These policies seek, amongst other things, development of a high quality design that respects surrounding buildings. Though not specifically referred to in the Council's reason for refusal relating to character and appearance, I am also satisfied that the proposal complies with design guidance contained within the SPDRDG.

Conclusion

16. The proposal would not have an adverse effect on the character and appearance of the area or a significant adverse effect on the amount of light received by neighbouring properties. However it would have a significant adverse effect on the living conditions of occupiers of neighbouring properties having regard to privacy and outlook and future occupiers of the host buildings would not have adequate living conditions having regard to private amenity space. The proposal is therefore contrary to the development plan when taken as a whole.
17. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR