
Appeal Decision

Site visit made on 10 May 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/N5090/W/17/3169636

19 Dale Close, Barnet EN5 1BH

- 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 Kravitz against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/6674/RCU, dated 12 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is the erection of a detached gazebo to garden area.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I note from the planning application and my observations on site that the application is retrospective. The detached gazebo has been erected.

Main Issues

3. The main issues are the effect on:
 - i. the character and appearance of the area; and
 - ii. the living conditions of the occupants of an adjoining residential property with particular reference to outlook.

Reasons

Character and appearance

4. The appeal site comprises a two storey end of terrace residential property in a predominantly residential part of Barnet. The property has a single storey flat roof extension of approximately three metres from the rear of the original property. The gazebo is constructed of timber supports with a polycarbonate roof and is separated from the extension by a gap of approximately 200mm. However, this gap is not visually discernible over any distance and therefore not material and, as such, the gazebo is tantamount to a further extension of the property by approximately 3.8 metres beyond the original extension, giving a combined rear projection of approximately 6.8 metres from the original property.
 5. The resultant projection is significantly over that which would be considered acceptable under the Council's adopted Supplementary Planning Document :
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Residential Design Guidance 2016. Although only a relatively lightweight structure the overall enlargement is unsympathetic in size and design to the host property. The resultant structure fails to be subordinate to the original property and dominates the rear. Furthermore, inappropriate polycarbonate roofing has been used which is at odds with materials on the host property and others in the immediate vicinity.

6. Therefore, on this issue I conclude that the gazebo is harmful to the character and appearance of the area and contrary to the provisions of Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (the CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMDPD), the Supplementary Planning Document: Residential Design Guidance 2016 (SPD) and the National Planning Framework (the Framework). These seek to achieve the highest standards of design, protect and enhance Barnet's character, ensure that development enhances the Borough's high quality suburbs and minimise the impact of extensions on the local environment by being consistent in regard to the form and architectural style of the original building, among other things.

Living conditions

7. The neighbouring property No 17 has an existing single storey rear extension which projects approximately three metres from the rear wall of the original property. Although there is a timber fence between the properties the top of the gazebo structure would be clearly visible from the neighbouring rear extension. As a consequence of its height and excessive projection the gazebo would be visually intrusive and result in some harm to the outlook from the neighbouring property as well as causing an increased sense of enclosure.
8. I recognise that the gazebo covers a relatively small part of the rear garden; however, being located with such a poor relationship with the neighbouring property is unacceptable. Therefore, on this issue I conclude that the gazebo is harmful to the living conditions of the occupants of an adjoining residential property with particular reference to outlook. Therefore, it is contrary to the provisions of Policy CS5 of the CS, Policy DM01 of the DMDPD, the SPD and the Framework which, among other things, seeks to ensure that development allows for adequate outlook for adjoining occupants. However, on this issue I find there to be no conflict with regard to Policy CS5 of the CS which relates to protecting and enhancing Barnet's character to create high quality places.

Other Matters

9. The appellant has drawn my attention to another single storey rear extension at 85 Great North Road. However, it appears to me that the circumstances of that extension are different to those before me in the current appeal. In any case I have determined the appeal on its own merits. My attention has also been drawn to other gazebos in the wider area. However, they are not near to the appeal site and I do not have the details of those cases or the circumstances that led to them being developed. Therefore, they have very limited weight in the determination of the current case.
10. Although the Council does not appear to have specific guidance on gazebos, there is adequate coverage in the development plan for proposals such as the one before me in terms of character and appearance and the living conditions of the occupants of neighbouring properties.

11. I have also noted the appellant's comments with respect to the current housing market and disputes with neighbours in relation to access and boundary fences. Such matters have not had any material bearing on my assessment of the planning issues in this case.

Conclusion

12. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR