
Appeal Decision

Site visit made on 30 August 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 07 September 2017

Appeal Ref: APP/N5090/W/16/3159357

221 Regents Park Road, Finchley, London N3 3LD

- 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 Loucas Louca against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3614/FUL, dated 2 June 2016, was refused by notice dated 26 August 2016.
 - The development proposed is roof extension to provide 1 No. self-contained unit at first floor level above the existing ground floor office premises.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of No 219A Regents Park Road (No 219A) with particular regard to outlook and light.

Reasons

3. The appeal proposal would involve an extension to a roof space to create a self-contained flat above commercial premises. The proposed flat would be positioned between two existing flats, one of which is No 219A which has two windows in its side elevation facing the appeal site.
4. A similar proposal was dismissed at appeal in 2001¹. With reference to the impact on windows in the side elevation of 219A the Inspector in 2001 stated the outlook from these windows would be entirely blocked. Furthermore, the Inspector in 2001 stated, where there is now airspace and openness there would be a new extension. Moreover, the Inspector in 2001 considered it would be wrong to disregard the contribution of the side windows of No 219A to the living conditions of the flat and found overall that the flat's three-way exterior setting would be reduced to two and thus the occupiers' enjoyment of the flat would be significantly reduced.
5. I note that the appeal proposal is similar to that at No 215 Regents Park Road (No 215) which was granted consent in 2013. However, whilst I have considered the extracts of the Officer's report and observed No 215 on my site inspection, the full details of that development particularly the evidence

¹ Appeal Reference APP/N5090/A/01/1070749

submitted in support of the planning application are not before me. In any event each application must be considered on its merits and an approved development cannot justify a harmful development.

6. I acknowledge the appellant's comments that the two side windows serve a staircase landing and a bathroom which is also served by one of the windows on the rear elevation. However, the fact remains that the appeal proposal would block out the outlook and light enjoyed from two windows in the side elevation of No 219A which are the only windows in that elevation.
7. Irrespective of which components of No 219A's accommodation those windows serve, the proposal would remove the opportunity to open a window, look out of a window or enjoy natural light from a window in No 219A's side elevation.
8. Thus, in the absence of any substantive evidence to the contrary, I am led to the same conclusions as the Inspector in 2001 and find that through the loss of views and light entering the windows in the side elevation of No 219A, the proposed development would be harmful to the living conditions of the occupiers of No 219A with particular regard to outlook and light.
9. In reaching these conclusions, I acknowledge that the proposal would provide a new dwelling in a sustainable location adding to the supply of housing in an area where there is a pressing need for more homes. I note that there would be economic benefits associated with construction and the occupants might work locally and use local services and facilities to the wider economic benefit of the area. I also note that the proposal would be in keeping with the character and appearance of the area. However, these matters or any others raised do not outweigh the harm I have identified to the living conditions of nearby residents.
10. For the reasons given the proposal would be contrary to Policy CS5 of Barnet's Local Plan Core Strategy (2012), Policy DM01 of Barnet's Development Management Policies Development Plan Document (2012) and Barnet's Residential Design Guidance Supplementary Planning Document (2013), which taken together, seek to ensure good design and safeguard the amenities of nearby residents.

Conclusion

11. For the reasons set out above, I therefore conclude that on balance the proposed development would not accord with the development plan. Thus having had regard to all other matters raised the appeal should be dismissed.

L Fleming

INSPECTOR