
Appeal Decision

Site visit made on 26 September 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 06 October 2017

Appeal Ref: APP/N5090/D/17/3179500

16 Hallswelle Road, Golders Green, London NW11 0DJ

- 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 Nkem Ikegulu against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/1889/HSE, dated 23 March 2017, was refused by notice dated 22 May 2017.
 - The development proposed is single storey rear infill extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear infill extension at 16 Hallswelle Road, Golders Green, London NW11 0DJ in accordance with the terms of the application Ref 17/1889/HSE, dated 23 March 2017, subject to the following conditions:
 - 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 plans: Location Plan; Site Plan; 9915/01; 9915/02; 9915/03; 9915/04; 9915/05; 9915/06.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The roof area of the single storey extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Preliminary Matters

2. The description of the development varies between the application form and the subsequent documents. I have used the version given on the decision notice as it describes the proposal more clearly.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring residents, with particular regard to outlook and visual impact.

Reasons

4. The appeal site is one of a pair of two storey semi-detached properties located in an area of similar dwellings. To the rear, 14 and 16 Hallswelle Road each have a lower two storey outshot, and these appear to be part of the original design. At No 16, a single storey extension has been added to the rear of the outshot. The proposal would infill the gap between the rear elevation of the main house and the single storey element. The side wall of the existing kitchen would step out to run in line with the side elevation of the single storey extension.
5. The Council's concern relates to the effect of the proposed development on the living conditions of occupants at No 14. On my visit, I noted that No 14 has windows and doors in its rear elevation, which face along the garden. The low fence on the boundary between the properties allows some outlook from No 14 towards the appeal property. However, the outlook towards No 16 is limited, and the aspect is not particularly attractive.
6. The proposed development would bring the side wall closer to No 14 by around 1.5m. However, a gap of approximately 0.9m to the boundary line would remain, which would limit the visual impact of the development. The main aspect from the rear of No 14 along the garden would be unaffected. The proposal would be relatively small in proportion to the overall scale of the existing rear outshot and extension at the appeal site. I therefore consider that its visual impact and effect on the outlook from No 14 would not be so harmful as to warrant the withholding of planning permission.
7. The Council argues that the infill extension would result in an overall extension of over 7m in depth from the original rear wall of No 16, and would result in a tunnel effect. However, this depth has already been established by the presence of the single storey extension, and would not be increased by the proposed development. The outlook from No 14 has already been curtailed by the presence of the single storey element, and in my view, this would not be materially worsened by the appeal scheme.
8. I conclude that the living conditions of neighbouring residents would be preserved, and I therefore find no conflict with Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document, which amongst other things seeks to allow for adequate outlook for adjoining occupiers. The proposal would also comply with the Council's document entitled 'Local Plan Supplementary Planning Document: Residential Design Guidance', which advises that rear extensions should not look too bulky or prominent compared to the size of the main building to which they relate.

Conditions

9. For certainly, it is necessary that the development is carried out in accordance with the approved plans. A condition relating to materials is appropriate in the interests of character and appearance. The suggested condition restricting the use of the roof of the development, which I have amended for brevity, is necessary to ensure the amenity of nearby residents.

Conclusion

10. For the reasons above, I conclude that the appeal should be allowed.

Elaine Gray

INSPECTOR