
Appeal Decision

Site visit made on 21 November 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 04 December 2017

Appeal Ref: APP/N5090/D/17/3181956

16 Coverdale Road, New Southgate, London N11 3FG

- 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 Geoff Foster against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/1891/HSE, dated 16 March 2017, was refused by notice dated 18 May 2017.
 - The development proposed is a single-storey rear extension with patio.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear extension with patio at 16 Coverdale Road, New Southgate, London N11 3FG in accordance with the terms of the application, Ref 17/1891/HSE, dated 16 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: drawing no. 16/5300/02 Rev A Location & Block Plans, Proposed Site & Ground Floor Plans & Proposed Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. In the banner heading above I have used the description of development given on the Council's decision notice as this more comprehensively captures the scope of the proposed development than the form of words given in the application form. I note that the description I have used above is also given on the appellant's appeal form.

Main Issues

3. I consider the main issues in this appeal to be firstly, the effect of the proposed development on the character and appearance of its host dwelling and surroundings; and secondly, the effect of the appeal scheme on the living conditions of the occupants of 14 and 18 Coverdale Road in terms of availability of light and outlook.

Reasons

Character and Appearance

4. The appeal dwelling is an end-terraced property of three storeys faced in brick at its upper levels, but render up to the first floor. It is within a broadly residential area with a varied pattern of sizes and styles of houses. The garden of the appeal dwelling, like those of its immediately surrounding properties is reasonably deep and well-vegetated, and slopes gently down towards its rear.
5. The appeal scheme would introduce a single-storey lean-to extension to the rear of the appeal dwelling, which would extend across its full width and feature a partly glazed gable in the centre of its principal roof. Glazed doors on the rear of the extension would give access to steps leading down to a patio area.
6. I note from the Council's officer report on the scheme that there are no restrictions in place in relation to permitted development rights arising from The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) concerning the appeal property. Consequently, I am mindful of the material submitted by the appellant demonstrating the limited additional depth and scale of the proposed extension in comparison to those allowed under permitted development rights. The proposed extension would be marginally deeper into the plot than the permitted development allowances and would also include the gable roof element which would be in addition to permitted development rights available.
7. However, the proposed extension would be of a relatively limited scale and site coverage and when set against the context of the much taller scale and presence of the appeal property's rear elevation the proposed development would not read as a disproportionate or dominant addition. Moreover, the symmetry of the proposed extension's roof treatment and fenestration would assimilate readily with the balance of the appeal dwelling's rear elevation. Accordingly, these considerations lead me to the view that the proposed development would not cause harm to the character and appearance of its host dwelling.
8. I saw other rear extensions of similar proportions, although with differing roof styles both in an adjacent dwelling on Coverdale Road, and visible on the rear elevations of dwellings that back onto the appeal property. Whilst mindful of the set back of No 18's rear elevation from that of the appeal property, and the lack of extensions to the rear of its immediately neighbouring dwellings, due to this wider context, the proposed development would not read as an incongruous or dominant addition at variance with the established pattern of rear alteration within its environs. Neither would the gable element of the proposed development, given the varied roof pattern of rear additions in the appeal site's environs read as a visually jarring element. Consequently, I consider that the proposed development would avoid harm to the character and appearance of its surroundings.
9. Therefore for the reasons given above, I conclude on this main issue that the proposed development would not cause harm to the character and appearance of its host dwelling and surroundings. Consequently, I find no conflict with Policies CS1 and CS5 of Barnet's Core Strategy (adopted September 2012) (the Core Strategy); or Policy DM01 of Barnet's Development Management Policies

(the DM Policies). Taken together, and amongst other things, these policies seek to ensure that development proposals are based on an understanding of local characteristics.

Living Conditions

10. The proposed development would introduce flank walling along the boundary with No 18. I saw that there was a habitable room window at the ground floor level of No 18 adjacent to the boundary. The rear elevation of No 18 is set back from that of the appeal property.
11. The flank wall of the proposed development would be taller than the existing boundary treatments between the properties; however, not materially more so than a rear extension within the permitted development tolerances. The projecting gable whilst adding additional height to the proposed extension's roof, would due to its positioning, be located at a considerable distance from the shared boundary. Moreover, I saw that No 18's ground floor window allowed outlook across its garden, and that mature vegetation was present along parts of the boundary that would help to screen the rearmost parts of the proposed extension. I saw too that No 18's garden, whilst narrow, is reasonably deep, and the proposed extension's flank wall would only extend along a limited proportion of this. Consequently, for these reasons, whilst the proposed development would clearly be visible from No 18's ground floor window and garden it would not constitute an unduly overbearing or enclosing structure which would materially reduce the amount of outlook available to No 18's occupants.
12. In terms of No 14, the proposed development would be separated from this by the alleyway between the properties, which have a common rear building line. Whilst I note No 14's garden is at a lower level than that of the appeal property, the separation distance achieved, combined with the limited depth of the proposed development in comparison with the much deeper extent of the gardens would mean that the proposed development would not constitute a dominant or imposing presence. I saw that whilst No 14 has a ground floor window adjacent to the boundary with the appeal property that this was fitted with obscured glazing, and that this would limit the outlook available from it in any event. For these reasons, I consider that the proposed development would not reduce the outlook available to the occupants of No 14 to any material degree either from the garden or the adjacent ground floor window.
13. The appellant supplied material which assessed the effects of the proposed development on daylight and sunlight¹, and my observations onsite gave me no reasons to question the reasonableness of their findings. The material demonstrates in terms of sunlight that the proposed development could cause some additional shading to No 18's adjacent rear window and limited portions of its garden during the early hours of the morning; however, this effect would only be marginally more than the extant boundary treatments on the site, or a scheme carried out within the permitted development limits. Consequently, I consider that the proposed development would not cause a material reduction in the sunlight available to No 18.

¹ Drawing no. 16/5300/AP01 Sunlight Plan for Site; and Drawing no. 16/5300/AP03 45 Degree Skylight Lines for Windows

14. Moreover, in terms of daylight available to the occupants of No 18 I note that the proposed development would not breach the 45° line drawn from the mid-point of its roof ridge to the centre point of No 18's ground floor window, and thus would meet the tests set out in the BRE Digest *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*. Consequently, this material, taken together with my observations onsite leads me to the view that the proposed development would avoid a material reduction in the availability of sunlight and daylight to the occupants of No 18.
15. The orientation of No 14 in relation to the appeal building means that the proposed development's effects on the levels of sunlight available to the garden or adjacent obscured glazed window would be negligible. Moreover, once again the appellant's submitted material clearly demonstrates that the 45° line to the centre point of that obscured glazed window would not be breached by the midpoint of the proposed extension's roof slope. Consequently, taking this submitted material together with my observations onsite I consider that the proposed development would avoid a material reduction in the availability of daylight and sunlight to the occupants of No 14.
16. These considerations, taken together, lead me to the conclusion that the proposed development would cause no material harm to the living conditions of the occupants of No14 and No 18. Accordingly, I find that the proposed development would not conflict with Policy CS1 of the Core Strategy; or Policy DM01 of the DM Policies. Taken together, and amongst other things, these policies seek to create a quality environment, where development proposals allow for adequate daylight, sunlight and outlook for the occupiers of their adjoining properties.

Other Matters

17. The Government's Planning Practice Guidance makes it clear² that the UK Courts have held that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be material planning considerations. I note the comments regarding the ownership of the space between No 14 and the appeal property, rights of access thereon, and the ability of the appellant to use the space in association with construction activity. I am also aware of assertions regarding the potential effects of the proposed development on the value of No 14. However, these are essentially private matters and are not instrumental in a planning decision of this nature. Consequently, I consider that these other matters do not weigh against the proposed development in planning terms.

Conditions

18. In attaching conditions I am conscious of the tests given in paragraph 206 of the National Planning Policy Framework. This establishes that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
19. In the interests of certainty, I have attached a condition which specifies the approved plans. In the interests of the character and appearance of the

² at Paragraph: 008 Reference ID: 21b-008-20140306 Revision date: 06 03 2014

development, its host dwelling and surroundings I have attached a condition requiring the use of matching materials in its external facing.

20. However, given the pitched design of the proposed extension's roof I consider it unnecessary to attach a condition restricting its use as a balcony or amenity area.

Conclusion

21. I note that the proposed extension would have a depth in excess of the 3m normally considered acceptable for single-storey rear extensions to a terraced house as set out in Barnet's Residential Design Guidance Supplementary Planning Document (adopted October 2016) (the SPD). Nevertheless for the reasons given above the proposed development would not read as a bulky and prominent addition and would avoid a significant sense of enclosure, and not lead to a loss of light to or outlook from principal habitable room windows of neighbouring properties. Consequently, it would meet the requirements of the SPD in these respects, and this justifies the proposed development's depth in this instance.
22. Moreover, the appeal scheme would not conflict with the development plan insofar as the aforementioned policies are concerned. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR