
Appeal Decision

Site visit made on 8 August 2019

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/Q5300/D/19/3231385

38 Waggon Road, Barnet, EN4 0HL

- 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 John Flannery against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/00183/HOU, dated 16 January 2019, was refused by notice dated 26 March 2019.
 - The development proposed is the construction of a single-storey rear extension with a 1700mm glass balustrade.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single-storey rear extension with a 1700mm glass balustrade at 38 Waggon Road, Barnet, EN4 0HL in accordance with the terms of the application, Ref 19/00183/HOU, dated 16 January 2019, and the plans submitted with it, 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 plans: Site Plan, Block Plan, Drawings 2643/21A, 2643/22, 2643/24A, 2643 25A.
 - 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.

Main Issues

2. The main issues in this case are the effect of the proposed extension and balustrade on:
 - The character and appearance of the area around Waggon Road, and
 - The living conditions of the occupiers of No 40 Waggon Road by way of light and outlook.

Reasons

3. No 38 is a large detached house situated on the south side of Waggon Road. It is a two-storey dwelling with further accommodation in the roof. The houses along this part of the road are generally set well back from the road on large plots. There is a staggered building line, with houses aligned at a slight angle

from the road within their plots. Nos 38 – 42 are wide-fronted with substantial rear gardens and a generally open aspect to the rear. There is open farmland along the north side of the road. There is a slight slope in the land down from the road to the rear of the plots, and both Nos 38 and 40 have steps down from the back of the house into the rear garden.

4. The proposed development would involve the construction of a single-storey extension across the western half of the rear elevation. It would have a flat roof and would be a maximum of some 4.8 metres deep, extending from the side elevation of the house at a distance of around 1 metre from the boundary with the adjacent No 40. It would be a little less than 3 metres high to the eaves, with a parapet that would increase its overall height to around 3.4 metres. There would also be a 1700mm high glass balustrade constructed beyond the extension and around the rear patio area, which extends across the whole width of the site.

Character and appearance

5. The Council contends that the proposed single-storey rear extension, by reason of its depth, scale, failure to secure a common alignment of rear extensions and creation of detrimental 'leapfrog' development along the rear of properties along Waggon Road, would be detrimental to the character and appearance of the surrounding built context.
6. Policy DMD11 of the Council's Development Management Document (DMD), adopted in 2014, notes that single-storey extensions must not exceed 4 metres in depth beyond the original rear wall in the case of detached dwellings. Moreover, in the case of a flat roof, the single-storey extension should not exceed a height of 3 metres from ground level when measured to the eaves, with an allowance of between 3.3-3.5 metres to the top of a parapet wall.
7. In this case, the proposed extension would have a footprint of around 36 sq metres, which represents an increase of less than 20% of the footprint of the house. It would also be only single-storey, and would not, therefore, appear out of scale or character with the host property. The existing house has a staggered rear elevation, with the western section set a little over 1 metre behind the main rear building line. There is also a further rear projection of around 1.5 metres beyond the existing lounge, with a balcony above.
8. On the basis of the above, whilst the proposed extension would project some 4.8 metres beyond the set-back western section of the house, it would only project around 3.5 metres beyond the main rear elevation, and 2 metres beyond the additional existing projection beyond the lounge. Furthermore, it would appear to conform to required height standards as set out in policy DMD11. It would not, therefore, appear as an excessive projection in the context of the staggered rear elevation and the overall scale of the house.
9. Because the houses on the southern side of the road are set at a slight angle from the front boundary with the road, there is no common building line, either at the front or the rear of the houses. Moreover, the houses have a wide variety of design styles and appear to have a range of rear extensions. In this context, it is not clear how rear extensions in general along the road could achieve a common alignment. Certainly a common alignment between properties is not an established feature in the character and appearance of the road, and the proposal would not result in detrimental "leapfrogging".

Living conditions

10. The Council contends that the proposed single-storey rear extension, by reason of its excessive depth, height and proximity to the shared boundary with No.40 Waggon Road would constitute an obtrusive and overly dominant form of development, resulting in an unacceptable loss of outlook, heightened sense of enclosure and loss of ambient sunlight.
11. Policy DMD11 of the DMD indicates that a single-storey extension should not exceed a line taken at a 45-degrees from the mid-point of the nearest original ground-floor window to any of the adjacent properties. Policy DM8 indicates that new development should preserve amenity in terms of daylight, sunlight, and outlook.
12. In this case, No 40 would appear to have been considerably enlarged recently, with a significant side/rear extension. This extension includes a single-storey rear extension along the boundary with No 38, which projects as far as the existing rear elevation of the western part of the appeal property. It also has two windows in the rear elevation, the nearest of which would appear to be a little over a metre from the side boundary and the other much further away from the boundary. The proposed extension at No 38 would be set a little under a metre from the side boundary.
13. From the evidence before me, it would appear that the original house at No 40, before the recent extensions, had a window in the rear elevation, some distance away from the boundary with No 38, and that the proposed extension at the appeal property would not break the 45 degree line from that window.
14. No 38 is sited to the east of No 40, and so the proposal would have some limited impact on light received by the windows in the rear elevation of the extension at No 40 in the mornings at certain times of the year. However, the plots of these houses are wide, and the depth of the rear gardens together with the slope of the ground down from the dwellings themselves, results in a general openness of aspect. I do not consider in this case, therefore, that there would be any significant harm to available light or outlook at No 40.
15. The glass balustrade, that would project a little way beyond the proposed extension, would be only 1.7 metres high and would be set around a metre away from the boundary between the two properties. By virtue of its limited height and the lightness of the materials, I do not consider that it would be harmful to the outlook from No 40.

Conclusion

16. In conclusion, I find that the proposed extension, by virtue of its limited bulk and scale would not be harmful to the character and appearance of the host property or of the wider surroundings along Waggon Road, which is characterised by large plots, a wide range of designs of property, and staggered building lines. It would not therefore conflict with Policy DMD11 of the DMD, which relates to residential rear extensions, or with Policy DMD37, which requires development to be appropriate to its context.
17. In addition, the proposal would not be significantly harmful to the living conditions of the occupiers of No 40 Waggon Road by way of light or outlook, and it would not, therefore, conflict with Policies DMD8 or DMD11 of the DMD.

Conditions

18. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR