
Appeal Decision

Site visit made on 16 September 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2019

Appeal Ref: APP/N5090/D/19/3232543

72 Leicester Road, East Finchley, London N2 9EA

- 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 Joanna Stone against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1393/HSE, dated 8 March 2019, was refused by notice dated 22 May 2019.
 - The development proposed is a single storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension at 72 Leicester Road, East Finchley, London N2 9EA in accordance with the terms of the application, Ref 19/1393/HSE, dated 8 March 2019, 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: P18-28.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials described in the planning application form.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of the neighbouring property at 74 Leicester Road.

Reasons

3. The appeal property is a two storey mid-terrace house dating from the early 20th century with a more recent dormer extension on the rear roof slope.
4. Policies DM01 and DM02 of the 2012 Barnet Development Management Policies Development Plan Document (the DPD) set out broad requirements for development in the Borough. These include requiring development proposals to ensure that occupants of neighbouring properties are not significantly adversely affected by development. The policies are reinforced by advice in the 2016 Residential Design Guidance Supplementary Planning Document (the SPD), including that extensions should not result in a harmful sense of enclosure or overbearing impact on adjoining properties.

5. The proposed development would add an L-shaped extension at ground floor, with a pitched roof. This would wrap around the existing two storey rear outrigger across the whole width of the property, and would fill the gap between the host property and the neighbouring dwelling at No 74 Leicester Road. There would be rooflights on the two roof pitches, and sliding patio doors in the rear elevation looking down the garden.
6. No 74 also has an L-shaped single storey ground floor extension which is built up to the shared boundary with the appeal property. This was granted planning permission in November 2018¹ but not referred to in the Council's officer report.
7. The appeal proposal would be slightly taller than the extension built at No 74. However, this small difference in height would not result in the proposed extension having any overbearing effect when viewed from within No 74. No other windows at No 74 would be affected by the proposed development. The appeal proposal would be slightly shorter in length than the adjacent extension to No 74, and there would therefore be no detrimental impact on the neighbouring garden in terms of an increased sense of enclosure.
8. At approximately 8.4 m long, the proposed extension is longer than the 3 m which the SPD indicates would be 'normally considered acceptable' for terraced properties. However, that threshold is in part based on the need to protect neighbouring occupiers from overbearing or intrusive development. As described above the appeal proposal would not cause harm to the living conditions of occupiers of No 74. In other regards the Council considers that the extension would be acceptable within the context of the host property and the surrounding area, and I agree with that analysis.
9. I therefore consider that, notwithstanding the limited conflict with the advice of the SPD, the proposed development complies with the relevant policies, DM01 and DM02, of the DPD.

Conditions

10. In addition to the standard time limit condition I have specified the approved plans so as to provide certainty. In order to protect the character and appearance of the area I have also included a condition requiring that the materials to be used for the extension are as specified in the original planning application.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

M Cryan

Inspector

¹ Barnet reference 18/5555/HSE