



Appeal Decision

Site visit made on 21 October 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal Ref: APP/N5090/D/19/3233717

39 Queens Avenue, Finchley, London N3 2NN

- 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 Dr Farouk Chaudhry against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1585/RCU, dated 13 March 2019, was refused by notice dated 24 June 2019.
 - The development proposed is timber decking works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed decking works, including glazed panels, are already in place so I have considered the appeal on that basis.

Main Issues

3. The main issues are the effect of the development on:
 - i) the character and appearance of the host property and area;
 - ii) the living conditions of the occupiers of 37 and 41 Queens Avenue and 58 Woodlands Avenue, with particular regard to outlook and privacy.

Reasons

Living conditions of neighbours

4. The decking projects some 7m beyond an existing extension into much of the rear garden. The land falls steeply to the rear. As a result, the two decked floors and obscured side glazing panels sit well above garden level and for a considerable distance beyond the adjoining properties Nos 37 and 41, and also towards the rear neighbour 58 Woodlands Avenue.
5. Notwithstanding that light can pass through the translucent glazing panels, the height and projection give the structure an imposing presence along the dividing boundaries, particularly for No 37 because it has not been extended like no 41. As such, it is likely to be overbearing in the outlook from the rear ground floor room of No 37 and from the gardens of both Nos 37 and 41.

6. Furthermore, although the side glazing panels are reasonably effective in limiting views into most of the garden area of No 37, that is not the case for No 41 and 58 Woodlands Avenue.
7. The glazing panels do not extend out as far on the side of No 41 and there is a large gap between them. Consequently, it is possible to see into No 41's kitchen window and most of its rear garden from both decking levels and the steps, thereby causing significant loss of privacy and exacerbating the overbearing nature of the development on this neighbour.
8. It is also possible to see into the extended kitchen and living space of 58 Woodlands Avenue. Whilst the views afforded from the top decking level in this respect are not significantly different to those that are possible from the windows in the extension, those from the steps and lower decking level are much closer and more open, thereby causing significant loss of privacy to this neighbour.
9. I note the appellant's offer to provide additional planting, but this would not overcome the overbearing nature of the development, and in any event, would take time to establish and could not be relied upon in perpetuity. Nor am I satisfied that additional obscure glazing panels could reasonably be introduced to overcome all the harm identified.
10. I conclude, on this issue, that the development has an unacceptable impact on the living conditions of the occupiers of 37 and 41 Queens Avenue, and 58 Woodlands Avenue in terms of outlook and privacy. This is contrary to Policy 7.6 of the London Plan (2016), CS Policies CS1 and CS5, DMP Policy DM01 and the Residential Design Guidance Supplementary Planning Document (SPD), in so far as they seek to safeguard the living conditions of neighbours from excessive overlooking and overbearing effects.

Character and appearance

11. Queens Avenue is a residential street characterised by two-storey terraced houses. Due to the compact arrangement of houses, the rear elevations are not visible within the street scene. As such, the decking is only visible from some of the surrounding properties.
12. There are numerous extensions and other alterations that have altered the appearance of the rear of surrounding properties, such that there is no uniform or consistent character to the rear.
13. The decking is a substantial structure and projects considerably into the garden, but it steps down with the sloping topography and is generally well constructed. The timber materials and glazed panels harmonise appropriately with the host building and residential garden setting. Consequently, I am satisfied that despite its size, the decking does not appear unduly prominent or incongruous in relation to the host property and its surroundings.
14. I conclude, on this issue, that the development is acceptable in terms of its impact on the character and appearance of the host property and area. It complies, in this regard, with the aims and objectives of Policies CS1 and CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document 2012 (CS), Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document 2012 (DMP), and the Residential Design Guidance Supplementary Planning Document (SPD), so far as they seek development

which is well designed and respects local context and character. However, this does not outweigh my findings in respect of living conditions.

Other Matters

15. I recognise that the development is likely to have improved access to and use of the appellant's garden, but this does not outweigh the harm I have identified to the living conditions of neighbours.
16. Whether the existing extension complies with a previous planning permission is not a matter for this appeal and I have considered the appeal on its own merits.

Conclusion

17. For the reasons above, I conclude that the appeal should be dismissed.

Adrian Caines

INSPECTOR