
Appeal Decision

Site visit made on 15 October 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/N5090/D/19/3234288

34 Bosworth Road, New Barnet, Barnet EN5 5LP

- 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 Ms G Summers against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/2265/PNH, dated 15 April 2019, was refused by notice dated 20 May 2019.
 - The development proposed is: Single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3 (1) and schedule 2, Part 1 Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development Order) 2015 for the erection of a proposed single storey rear extension at 34 Bosworth Road, New Barnet, Barnet EN5 5LP in accordance with the terms of the application Ref 19/2265/PNH, dated 15 April 2019, and the details submitted shown on the following plans: 1:1250 scale location plan; proposed rear extension plan ref BR 102.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.

Main Issue

3. The main issue is the effect of the development on the living conditions of all neighbours.

Reasons

4. The appeal property is a semi-detached dwelling situated within a residential suburb of New Barnet. It is proposed to extend the property at ground floor with a flat roof extension to provide a dining area. An existing conservatory and garage would be removed. The materials used in proposal will match the existing building.

5. In response to consultation, an objection was received from the occupier of the adjoining semi, no 32, on grounds that the proposed extension would be excessive in depth and not subordinate to the size of the property; loss of outlook and daylight; overbearingness and overshadowing; disturbance to foundations and loss of access for maintenance.
6. The Council considers that the 5m length of the proposal would not be in accordance with the Barnet Local Plan Supplementary Planning Document Residential Design Guidance¹ (the RDG SPD) which advises that in respect of semi detached properties extensions should not exceed 3.5m length. The suggested limit on the length of extensions aims to avoid to the loss of light and outlook which could result for the occupiers of neighbouring properties.
7. Whilst the proposal exceeds the length suggested in the guidance, there are factors which would mitigate the effects on the neighbour. No 32 has a rear extension, with blank panels facing the boundary with no 34. Although the proposed extension would be longer than the neighbour's extension, and the existing conservatory, there is a fence along the boundary, approximately 2m in height². In addition, the rear gardens rise away from the rear elevations of both properties, and are orientated to the north. It appeared to me that the ground level of the neighbouring was slightly lower than no 32, but nonetheless the height of the fence and rising ground levels would reduce the impact of the proposal in terms of both loss of outlook and daylight and overbearingness. Due to the north facing aspect, the proposal would result in very little, if any effect on overshadowing. Any disturbance to foundations during construction and loss of access for maintenance are private matters.
8. There is an existing consent for a similar extension with a length of 3.5m. The proposal would have a greater impact on the living conditions of the neighbour than the approved scheme, subject the mitigating factors I mention above.
9. However, the General Permitted Development Order allows extensions of the length and height proposed, subject to consideration of the effect on amenity. Given the noted mitigating factors, the potential effects on the living conditions of the neighbour in this case do not outweigh the principle that the householder should be allowed to exercise the permitted development rights granted by Parliament.
10. The Council refers in its reason for refusal to Policy CS1 of the Core Strategy Development Plan Document³ (the CSDPD). This is an overarching policy, which amongst other things seeks to promote the highest standards of urban design, therefore I do not see it as directly relevant to the proposal. The Council also refers generally to the London Plan, but does not specify any policies. I therefore consider the proposal against the Council's development plan policies.
11. I therefore conclude that the proposal would not result in unacceptable living conditions for neighbours and would comply with CS NPPF and CS5 of the CSDPD (2012), Policy DM01 of the Barnet Local Plan Development Management Policies Development Plan Document⁴ policy DM01, Barnet's Sustainable Design and Construction SPD (2016) and the RDG SPD (2016)

¹ October 2016

² The fence is lower in height between the existing extensions.

³ Adopted September 2012

⁴ Adopted September 2012

which require, amongst other things, that development should achieve a high quality in design and not affect the living conditions of existing occupiers.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Tim Wheeler

INSPECTOR