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## Appeal Decision

Site visit made on 3 December 2019

**by S J Lee BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> December 2019**

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**Appeal Ref: APP/N5090/D/19/3237844**  
**79 Hervey Close, Finchley, London N3 2HH**

- 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 Simon Balestrini against the decision of the Council of the London Borough of Barnet.
  - The application Ref 19/2800/HSE, dated 16 May 2019, was refused by notice dated 12 July 2019.
  - The development proposed is single storey rear extension following demolition of existing garage.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Simon Balestrini against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

### Main Issue

3. The main issue is the effect of the development on the living conditions of occupants at 81 Hervey Close, with particular regard to outlook and loss of daylight and sunlight.

### Reasons

4. The appeal relates to a mid-terrace dwelling in a residential suburb. The development would result in a single storey mono-pitched roof extension, which would project by around 4 metres from the rear wall and take up the full width of the dwelling. No 77 benefits from a similar sized flat roof extension. No 81 has a long flat roofed single storey extension which extends the full length of the rear garden. This is sited away from the common boundary.
5. The Barnet Residential Design Guidance Supplementary Planning Document (SPD) (2016) states that rear extensions for terraced properties should generally be no more than 3 metres deep. The development would exceed this by 1 metre. Considering the proposed depth of the development and its proximity to the common boundary, it is highly likely that it would encroach into the rear ground floor outlook of No 81. The outlook from the patio doors is already likely to be constrained to one side by its existing extension.

6. The development would exacerbate this by adding to the built form on the opposite side of the doors and leaving a relatively narrow space between the two extensions. Although only single storey in height, the development would create something of a 'canyon' effect with structures on either side of the doors for some distance. The development would therefore further constrain the existing outlook from No 81 to such an extent that it would inevitably result in an increased feeling of enclosure and confinement. This would have an overbearing impact that would tangibly diminish the quality of the interior environment to the material detriment of the living conditions of occupants.
7. In coming to this conclusion, I have had regard to the extant permission for a rear extension to No 79. The evidence suggests this would project 3 metres along the boundary with No 81. There is nothing to suggest that this extension could not be implemented and thus it represents a reasonable and realistic fallback position. The appellant has argued that the development would not result in any additional harm over and above what has already been permitted. I do not agree with this assertion. A reduction in depth of 1 metre would be materially less harmful than what is proposed here and thus the fallback position does not alter my decision.
8. The appellant submitted a Daylight and Sunlight study with the application. This concludes that all neighbouring windows would pass the relevant Building Research Establishment (BRE) guidelines. The Council has made no comment on this report and I have no reason to conclude it is not a robust assessment. The study concludes that there would be some loss of both sunlight and daylight, but this would not amount to a materially adverse impact. While the loss of light that would occur would add to the impact of the development, the evidence does not suggest it would be enough to withhold planning permission in its own right.
9. Nevertheless, this does not alter my view that the development would still have an unduly overbearing presence that would unacceptably harm the living conditions of the occupants of No 81. Accordingly, there would be conflict with Policy DM01 of the Barnet Development Management Policies Development Plan Document (2012) and the SPD, which seek, amongst other things to ensure development provides for an adequate outlook for adjoining occupiers.
10. The decision notice also refers to Policy DM02. This specifically refers to meeting standards. As far as I have been made aware, the development would not conflict with any of the nine criteria set out in this policy and thus there would be no conflict with this policy. This does not alter my overall conclusion.

### **Other Matters**

11. The Council raised no concerns over any potential impact on No 77 or about character and appearance. I saw nothing that would lead me to a different conclusion. A lack of harm is however neutral and weighs neither for nor against the development. These factors do not therefore outweigh my concerns.
12. I recognise there may be some frustration that development undertaken at No 81 might have had some effect on the scope to extend their own property. Nonetheless, this does not justify allowing something that would result in unacceptable harm. I have also noted the letters of support, but these do not outweigh the concerns identified above.

**Conclusion**

13. For the reasons given above I conclude that the appeal should be dismissed.

*S J Lee*

INSPECTOR