
Appeal Decision

Site visits made on 14 January 2020 and 27 January 2020

by E Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2020

Appeal Ref: APP/N5090/D/19/3243165

63 Salcombe Gardens, Mill Hill, London NW7 2NX

- 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 Branko Pecanac against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/5510/HSE, dated 10 October 2019, was refused by notice dated 19 November 2019.
 - The development proposed is Enlargement of the existing rear single-storey extension by 1.8m (to create an overall 4.75m deep extension), to replace existing covered rear porch; the roof is to become flat and is not to exceed 3m in height; sliding/ folding doors are to be fitted in the rear elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the extension upon the living conditions of the neighbouring property at No 61 Salcombe Gardens regarding outlook and privacy in particular.
 - The effect of the extension upon the character and appearance of the existing dwelling and the surrounding area; and

Reasons

Living Conditions

3. The appeal dwelling is at the northern end of a terrace of four properties on the western side of Salcombe Gardens. It has already been extended with a dormer in the rear roof slope and a single storey rear extension with mono pitch roof. Additionally, there is a pergola with a polycarbonate roof located beyond the extension.
4. The proposed extension would increase the depth of the existing rear extension by around 1.8m but replace the mono pitch roof with a flat roof extending to 3m in height. The current extension has a depth of approximately 3m meaning if allowed the extension would extend to around 4.8m beyond the rear of the original dwelling and that of the rear of the neighbour at No 61.

5. Given that the proposal would have a blank wall along the shared boundary with no. 61, if anything, this would increase the level of privacy available for occupiers of that neighbouring property. As such, the proposal would not be harmful in this respect.
6. The outlook from No 61 is already affected by the existing wall to the existing extension, and the proposed scheme would reduce the height of the wall nearest the back of the house on the boundary by replacing the mono pitch with a flat roof to a maximum height of 3m.
7. Nevertheless, the development proposes a 3m high 4.8m wall on the shared boundary in close proximity to the rear habitable windows of the neighbouring property. This would create an oppressive and dominant feature which would have an overbearing effect upon the outlook from the rear facing windows which serve a single habitable room across the back of the house.
8. Even in accepting the effect of the current extension and the degree of enclosure provided by the boundary planting, this does not provide sufficient mitigation that would overcome the harm identified and justify exceeding the guidance from the SPD in this case.
9. I find that the extension proposed would adversely affect the outlook from the neighbour at No 61. The proposal is therefore contrary to the aims of the Barnet Core Strategy 2012 (CS) Policies CS1 and CS5, and Development Management Policies Development Plan Document (2012) (DPD) Policy DM01 and the overall objectives of the Barnet's Residential Design Guide Supplementary Planning Document (2016) (the SPD) which seek to protect the amenity of adjoining and future occupiers.

Character and Appearance

10. Several similar extensions were pointed out to me on my site visit and have been referred to in the evidence from the main parties. I do not have the full information in respect of these schemes in terms of depth or height or when they were constructed, therefore I only afford this information limited weight.
11. Nevertheless, I do not consider the scheme as proposed would in itself be out of place in this rear garden location where it will only be perceived from the immediate neighbours, rear gardens, or first floor rear facing windows and is typical of similar arrangements in the area.
12. As proposed the extension does not accord with the current guidance within the adopted SPD due to the proposed depth, nevertheless I am mindful this is only guidance and a further modest addition would not harm the host property or the wider area, when it wouldn't be widely seen.
13. I therefore find the appeal proposal would not be out of keeping with the general character of the area and would not be harmful in this location out of character with the host property and the wider character of the area.
14. In this respect the proposal would accord with policies CS1 and CS5 of the CS, which, amongst other things, seek a high standard of urban design and to ensure that development respects local context and distinctiveness. It would also accord with policy DM01 of the DPD, which has similar objectives. For the same reasons, there would be no conflict with the overall objectives of the SPD.

Other matters

15. Whilst the proposal would result in the removal of the current pergola, this is a lightweight construction and is currently screened from the neighbour at No 61 by the boundary planting. The removal of this structure would not outweigh the harm I have identified earlier.
16. I acknowledge the appellant's argument that an extension of similar size could be constructed under the prior approval regime and that the neighbour may not object. However, whilst that may be the case, there is no compelling evidence to indicate that the appellant would take such a course of action if the appeal was dismissed. Moreover, whilst the current neighbour may not have concerns, that does not mean future occupiers of the neighbouring property would be of the same view.

Conclusions

17. Whilst I have not found that the proposal would harm the area's character and appearance, it would be unacceptable due to its effects on the neighbour's living conditions. For these reasons the appeal does not succeed.

Edwin Maund

INSPECTOR