



Appeal Decision

Site visit made on 21 January 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/N5090/W/19/3238367

19 Flat A Booth Road, Colindale, London, NW9 5JS

- 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 Preetam Ramsawock against the decision of the Council London Borough of Barnet.
 - The application Ref 19/3574/FUL, dated 26 June 2019, was refused by notice dated 12 August 2019.
 - The development proposed is ground floor extension, floor plan redesign and all associated works at 19A Booth Road.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal upon 1) the character and appearance of the host dwelling and surrounding area and 2) the living conditions of occupants of no. 21 Booth Road, having particular regard to light and outlook.

Reasons for the Recommendation

Character and appearance

4. No. 19 is a two-storey mid terraced property located on Booth Road. The immediately surrounding area is residential, and the distinctive character is derived predominantly from two-storey terraced residential properties set back from the road with front porches, small front gardens and modest gardens and outdoor amenity spaces to the rear. Many properties in the surrounding area benefit from variously sized rear extensions.
5. London Borough of Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance (2016) (the SPD) prescribes that the acceptable depth for a single storey rear extension for terraced properties is 3 metres¹.

¹ Paragraph 14.21

Whilst the SPD represents guidance rather than a fixed policy requirement its content is based on sound design principles which seek to ensure that the scale of residential extensions has regard to the scale and proportion of existing properties. I give the guidance substantial weight as a result. The existing rear extension complies with this, and so do neighbouring properties no.17 and no.21 which also benefit from rear extensions of the same depth so that their existing building line is adjoined.

6. The proposed ground floor extension would protrude to a depth which far exceeds 3 metres. It would also extend beyond the established building line with adjoining no.17 and no.21 and would be at odds with these properties. Based on the small size of the rear garden, the depth of the proposed ground floor extension would take up a significant part of the back garden. Combined with the slight increase in height compared to the existing extension, the volume and depth of the proposed ground floor extension would be at a scale which would not be a subordinate addition to the host property.
7. The appellant's argument that the street scene will remain unchanged is acknowledged. However, the character of the area comprises of all spaces whether seen at the principle elevation or at the rear. The shared party walls on each boundary either side are not high enough to completely screen the development therefore it can be viewed from neighbouring occupiers at the side and would be likely to reduce the appreciation they have of the environment within which they live.
8. Furthermore, it is acknowledged that there are some examples of larger rear extensions within the surrounding vicinity. The Council state that these have been approved under Prior Notification Householder (PNH) permitted development. However, each application is appraised on its own merits and these are constructed in materially different sites. As observed on the site visit, no.89 and no.43 Booth Road which the Council state benefit from PNH approvals, are semi-detached properties which do not sit immediately adjacent to the host site.
9. Taking the above arguments altogether I find that by virtue of its excessive size and depth, the proposal would be insubordinate and disproportionate to the host property and would be an incongruous addition to the property and would be harmful to the character and appearance of the host property and the surrounding area. Consequently, it would conflict with the aims and objectives of the National Planning Policy Framework (the Framework), Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (the 'CS') and DM01 and of Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012) (the 'DMP') which seek amongst other things to ensure that proposals should be based on an understanding of local characteristics and should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Living conditions of occupants of no. 21

10. Whilst most neighbouring properties benefit from rear extensions that are a similar depth to the existing structure at the appeal property, no.23 Booth Road has an additional rear conservatory which protrudes beyond its rear extension. Although the Council states that there is no record of planning permission having been granted for that structure, there is no suggestion that

any enforcement action is being considered and it may well have been in situ for a long period and immune to enforcement action. I also observed that the existing rear extension at no.21 spans approximately half the width of the property. As such, no.21 already experiences a sense of enclosure and loss of sunlight and increased shadowing as a result of the depth and proximity of the flank wall of the extension and conservatory at no.23.

11. The proposal would increase this sense of enclosure at no. 21 by introducing a flank wall which adjoins their boundary line as well as the already existing flank wall adjoining their boundary with no. 23. As stated in paragraph 7 above, the shared party wall on the boundary with no. 21 is not high enough to completely screen the development. Thus, the scheme at no.19 would still reduce outlook and increase a sense of enclosure at no. 21.
12. By virtue of its depth, scale and position the proposed extension would have a detrimental visual effect when viewed from no. 21. Given the orientation and the juxtaposition of the two properties, the proposed extension would have a negative effect upon outlook because of its depth, massing and proximity. Taken together with the existing development at no. 23, the proposed extension, by virtue of its siting, would have an unacceptable overbearing impact on the occupants of no. 21.
13. I find that the development would have a materially harmful effect upon the living conditions of the occupants of no. 21. Accordingly, it would conflict with the objectives of the National Planning Policy Framework (the Framework), Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (the 'CS') and DM01 and of Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012) (the 'DMP') which seek amongst other things to ensure that proposals are designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupants and users.
14. I have considered the other approved developments submitted by the appellant but, from the information before me, it is not clear that the circumstances are directly comparable. In particular, the impact in this case stems from the proposal itself but also the existing context, including the development at No.23 and the arrangement of the rear extension at No. 21. Those circumstances are very specific to the site and the other examples do not alter my conclusions on the merits of the proposal before me.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston INSPECTOR