



## Appeal Decision

Site visit made on 11 February 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

### **Decision by Kenneth Stone BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 04 March 2020**

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### **Appeal Ref: APP/N5090/D/19/3241454**

### **3 Queenswood Park, Finchley, London, N3 1UN**

- 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 D Benmayer against the decision of the Council of the London Borough of Barnet.
  - The application Ref 19/3571/HSE, dated 5 July 2019, was refused by notice dated 14 October 2019
  - The development proposed is described as 'part single, part two storey side and rear extension, conversion of the garage to habitable, dormer roof extension, roof terrace and privacy screen'
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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.

### **Preliminary Matters**

3. It is agreed between the parties that the single storey element, conversion of the garage to habitable room, dormer roof extension, roof terrace and privacy screen would not have an adverse impact on the living conditions of the occupiers of No. 4 Queenswood Park. From the observations made on site, I have no reason to conclude otherwise.

### **Main Issue**

4. The main issue is the effect of the side extension element of the proposed development upon the living conditions of the occupants of No. 4 Queenswood Park with particular reference to outlook.

### **Reasons for the Recommendation**

5. The appeal site is located in Queenswood Park, a short cul de-sac, and comprises a two storey detached dwelling with gardens to the front and rear. The surrounding area is characterised by its residential nature and is made of up properties which vary in size and design, but which retain a consistency in terms of architecture, materials and character. Due to the layout of the street the appeal property sits at a 90 degree angle to the neighbouring dwelling at

No. 4 such that the front elevation of No. 4, which is set down on slightly lower ground, faces the side elevation of No. 3.

6. The side extension would result in the first floor element of the appeal property being brought much closer towards the property at No. 4. While it would be set in from the site boundary the overall separation distance between the side extension and the neighbouring dwelling would be limited, resulting in this element of the proposal appearing as a dominant feature from the neighbouring property. Due to the orientation of the site, this additional built form would be directly facing the front elevation of No. 4, where principal windows to habitable rooms and the entrance door are located. The outlook from these windows, particularly those at the northern end of the elevation, would be restricted and when entering or exiting No. 4 by this entrance door, the side extension element of the proposal would feel overbearing by nature of its scale and proximity.
7. Furthermore, while the side extension would not measure higher than the main roof of the appeal property, the differing land levels mean that it would tower over the equivalent first floor at the neighbouring property of No. 4. This would inevitably create an unacceptable change in the outlook currently experienced from the windows on the first floor of No. 4 closest to the side extension, which would serve to further exacerbate the sense of enclosure for the occupants of this dwelling.
8. It is acknowledged that due to the orientation of the site and the presence of a large tree to the front of No. 4, the outlook for the occupiers of No. 4 is already somewhat diminished. However, for the reasons outlined above the proposal would further erode the outlook experienced by the occupants of the property due to its dominant and overbearing nature, creating an unacceptable impact on the living conditions of the occupiers of No. 4.
9. Due to the proposed location of the side extension close to the boundary with No. 4 and the difference in levels between the appeal property and the neighbouring dwelling I therefore conclude that the proposed development would appear so overbearing when viewed from No. 4 as to cause harm to the living conditions of the occupiers of that dwelling. Accordingly, it would fail to comply with Policies CS1, CS5 and DM01 of the London Borough of Barnet Local Plan (Core Strategy) Development Plan Document, September 2012 and the Local Plan Supplementary Planning Document: Residential Design Guidance, October 2016.

## **Other matters**

10. The appellant has stated that the proposal has been designed in a sensitive and appropriate manner that does not detract from the streetscene or surrounding character, and that it would increase the privacy of the occupiers of No. 4. The appellant has also pointed out that the proposal is proportionate to the house and the resulting staggered heights at the property would provide architectural interest that would improve an otherwise blank façade at the side elevation. These benefits of the development are acknowledged, however the matters raised in this instance do not attract sufficient weight in planning terms to override the harm that would arise as identified above.
11. Reference has been made to other examples of similar development in the surrounding area. However, for the most part, no information on the precise nature or location of these other additions has been provided, nor on their comparability to the development in question. While it has been argued that the first floor extensions No. 5 Queenswood Park creates a greater impact on the sense of

enclosure for the occupiers of No. 4 than the proposal, the orientation differs from that at the appeal site such that the extension at No. 5 has not been erected along the front elevation of No. 4. Furthermore, this appeal is decided on its own site-specific circumstances and reference to other development nearby does not outweigh the harm identified above.

### **Conclusion and Recommendation**

12. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

*C Rafferty*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

13. 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.

*Kenneth Stone*

INSPECTOR