
Appeal Decision

Site visit made on 13 July 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2020

Appeal Ref: APP/N5090/W/20/3246916

49 Woodland Way, Mill Hill, London NW7 2JP

- 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 Mrs Evelie Dawson against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/3742/RCU, dated 4 July 2019, was refused by notice dated 22 November 2019.
 - The development proposed is described as 'single storey rear extension'.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension at 49 Woodland Way, Mill Hill, London NW7 2JP, in accordance with the terms of the application, Ref: 19/3742/RCU, dated 4 July 2019, subject to the following conditions.
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted (the single storey extension) shall be carried out in accordance with the following approved plans: Drawings 100.01-300, 100.01-301C and 100.01.302
 3. The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Preliminary Matters

2. An application for an award of costs was made by Mrs Evelie Dawson against Council of the London Borough of Barnet. This application is the subject of a separate Decision.
3. In the interests of brevity, I have taken the description of development from the appeal form. In addition to visiting 49 Woodland Way I viewed the appeal site from 49a Woodland Way as invited to in advance by the occupants.
4. A single storey extension is already *in situ* at the appeal site. The occupant of 49a Woodland Way submits that the appeal drawings do not accurately reflect what has been built. The evidence before me, including a measured survey, indicates there may be some merit to this point. However, it is the drawings that are advanced for planning permission and it is these that I have

considered. The appellant has signed Certificate A on the application form and has therefore confirmed she owns all of the land and building required to undertake the development and I have not seen substantive evidence demonstrating this is inaccurate.

5. A raised deck and tall fence have been erected to the rear of the appeal property. These structures appear to be development requiring the benefit of planning permission due to their height. They are not recorded on the drawings or referred to in the description of development. Accordingly, they do not form part of the proposal before me and I have not considered them.

Reasons

6. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupants of the first floor flat at 49a Woodland Way (No 49a), with particular reference to outlook.
7. The appeal property encompasses a ground floor flat converted from an end of terrace dwelling. A flat has been created at first floor level and each property has a separate front door and rear garden. The rear garden serving the first floor flat (No 49a) occupies the rearmost section of the original garden.
8. The extension would be constructed with a flat roof and an inset raised roof light. The drawings indicate that it would project around 4.6 metres (m) at its maximum depth back from the rear elevation of the existing flat and 2.19m behind the rear gable. It would be single storey in height, but the floor level would be built up due to a slope in the land levels. The extension would therefore be highly visible from both bedroom windows at No 49a.
9. The extension would therefore be a prominent and constantly apparent addition in views from the bedroom windows of No 49a. However, the occupants of 49a would look down on it and therefore an open horizontal aspect over the extension would be retained. This outlook would provide a visual connectivity with land in the distance beyond the property. In addition, the view of the sky from these rooms would not be impeded. Therefore, the bedrooms would retain a reasonably open outlook that would not be harmfully blocked or enclosed by the appeal scheme.
10. The proposed extension would inhibit views of the garden of No 49a from the bedroom windows with only the area around the shed likely to remain visible. However, for the reasons set out in the preceding paragraph the property would retain an adequate outlook. The loss of a direct view from No 49a into the rear garden could be prevented if a more neighbourly solution is implemented, such as a lower extension employing a part sloping roof like the scheme previously granted¹. However, this alternative solution is not before me. I have instead considered the proposal on its own merits and have found that it would not harmfully diminish the outlook from No 49a.
11. In conclusion, the proposal would not harm the outlook, and thus the living conditions, of the occupants of No 49a. Accordingly, the proposal would adhere to Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document 2012 (LP), which seeks to secure development that provides adequate outlook for adjoining occupiers.

¹ 16/0735/FUL - Single storey rear extension to the ground floor flat

Other Matters

12. The flat roofed nature of the proposed extension and its proximity to the bedroom windows at No 49a would present an opportunity for children to climb out onto the roof. However, this would not be an inevitable consequence of allowing the appeal scheme and is not a reason to dismiss it.
13. The security implications are more pertinent because the flat roof could facilitate access to the bedroom windows by an intruder. However, the roof would be sufficiently tall to make this quite difficult. In addition, access would need to be from a neighbour's garden or the adjoining path, both of which are overlooked, with the natural deterrent this entails. Other properties in the vicinity have lower flat roofs than that proposed but I have not been provided with substantive evidence demonstrating that this has been a problem in respect of crime or that burglary is a local problem of note. Thus, the proposal would not conflict with Policy DM02 of the LP.
14. The presence of the proposed extension would make it more difficult to supervise children when in the garden of No 49a or provide natural surveillance of the property's outdoor amenity space. However, there is already no inter-visibility between the garden and those spaces more likely to be intensively used during the day such as the kitchen or sitting room and therefore natural surveillance is already more limited in this respect.
15. There are cracks in the walls around the bedroom windows at No 49a as well as what appeared to be damp issues. There are also marks on the flat roof of the existing structure, which suggest there has been standing water. Areas of the flat roof appear to have deteriorated as a result. However, these are civil matters or points covered by other legislation such as the Party Wall Act or Building Regulations. As such, they are outside the scope of this appeal.
16. The proposal would be to the rear of the property and therefore it would not be visible within the street scene. The extension would be seen within the context of other single storey rear additions and therefore would not appear stark or unduly prominent. The flat roof form would not be untypical of the area and the extension would be a subservient addition to the building as a whole. As such, it would not harm the character and appearance of the area or conflict with Policy CS5 of Barnet's Local Plan Core Strategy 2012 or the Residential Design Supplementary Planning Document.

Conditions and Conclusion

17. I have imposed a standard commencement condition as it is unclear whether the structure on site is the same as what has been applied for. It is necessary in the interests of safeguarding the character and appearance of the area, and the privacy of neighbours, to ensure that the development is undertaken in accordance with the approved drawings and the roof is not used as a balcony or roof garden.
18. The appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.

Graham Chamberlain
INSPECTOR