
Appeal Decision

Site visit made on 15 July 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

Appeal Ref: APP/N5090/D/20/3244946

38 Woodgrange Avenue, North Finchley, London N12 0PS

- 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 and Mrs Ruchala against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/5756/HSE, dated 24 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 36 Woodgrange Avenue.

Reasons

3. The appeal building is a two storey terraced dwelling with rooms in its roof space. The latter through a substantial flat roofed dormer extension. The appeal scheme would extend the rear elevation of the appeal building at ground floor level. It would all but span the plot and have a hipped roof.
4. The extension would be of a substantial length and not insignificant height in close proximity to the shared boundary with No 36 Woodgrange Avenue. As a result, it would have a significant overbearing effect on the occupiers of No 36. Particularly how users of the ground floor rear facing room closest to the extension would experience something of a tunnelling effect when taking into account the location and height of an existing single storey extension on No 36. The mass of the proposed extension would also have a similar effect on and accordingly reduce the quality of the area of garden space immediately to the rear of No 36. Users thereof would feel hemmed in and restricted.
5. I note that the extension would project only marginally above a short run of tall boundary wall between the two dwellings, but it is this plus the substantial projection of the extension and its proximity to the shared boundary that would give rise to the adverse effects I have identified.
6. An extant planning permission appears to exist for the erection of another single storey extension for the appeal building. This would, if implemented, be

in an L shape, the shorter projecting element of which would sit almost on the shared boundary with No 36, mostly behind the aforementioned section boundary wall. Its effect on the occupiers of No 36 would accordingly be much less to the extent of not being adverse. It is not therefore sufficiently similar to the appeal scheme such that it would alter my conclusions.

7. The evidence suggests that the appellant could, if they were to remove the existing single storey rear projection, notify the Council of their intention to erect an extension under permitted development allowances. They argue that this would be similar or more impactful to the scheme before me. This may be the case albeit, as far as I can see, it would still be subject to a consultation with neighbouring occupiers and whilst the appeal scheme did not garner any objections, I cannot be sure a notification for an extension under permitted development would equally not. In any case, I do not have a design nor scheme for permitted development before me to consider. The appeal proposals seek express planning permission which I have considered on its own merits with regard to the development plan and concluded accordingly. A conclusion which I am not minded to change in light of this situation.

Conclusion

8. For the above reasons, the appeal scheme would cause harm to the living conditions of the occupiers of No 36 Woodgrange Avenue. This would result in conflict with Policy CS5 of the Core Strategy¹ and Policy DM01 of the Local Plan². Along with the guidance set out by the Council's Residential Design Guidance SPD³, these policies seek to ensure that new development is of a high quality and designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. The appeal is therefore dismissed.

John Morrison

INSPECTOR

¹ Barnet's Local Plan: Core Strategy Development Plan Document 2012

² Barnet's Local Plan: Development Management Policies Development Plan Document 2012

³ Local Plan Supplementary Planning Document: Residential Design Guidance 2016