



Appeal Decision

Site visit made on 7 July 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/N5090/D/20/3245687

7 Wardell Close, Mill Hill, London NW7 2LG

- 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 B Jafari against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/5096/HSE, dated 16 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and the host property and whether the development would provide adequate private garden space for the occupiers of the dwelling.

Reasons

3. The appeal site forms an end of terrace property that is constructed of brick under a tiled roof. The site lies within a residential estate which contains a variety of style and size of properties. The area has a pleasant open suburban character that is reinforced by properties that on the whole, have decent sized private rear garden areas.
4. The proposal seeks to erect a single storey extension to the rear of the property to create a kitchen area which would have a depth of 3m and a height of 2.6m. The Council state that it does not object to the overall extension as such, rather that when assessed with the previously permitted two storey extension that has been erected on the building, the proposal would represent overdevelopment of the site, resulting in a lack of private amenity space which in turn would be disproportionate to the modest sized dwelling.
5. The layout of the terrace as it abuts Field Mead has resulted in the rear garden for the appeal site being smaller than the remaining properties and is also triangular in shape. To compensate for this, the appeal site benefited from a side garden area which had been taken up through the erection of a side extension. However, the appellant states that he is *"in the process of demolishing the existing side extension, freeing up 32.1 sq. m of amenity space"* which, coupled with the remaining rear garden would result in some 41 sq. m of outdoor space being available for the dwelling. This would be in

compliance with Table 2.3 of the London Borough of Barnet Sustainable Design and Construction Supplementary Planning Document 2016 (the SDCSPD).

6. Nevertheless, the proposed plans that the appellant submitted in support of the planning application clearly show the retention of the single storey side extension which is marked as a 'storage unit', and is depicted on both the proposed floor and proposed elevational plans¹. Therefore, notwithstanding that the appellant states that the side extension is being removed, the plans clearly show its retention and therefore, the private garden area to be provided would not be adequate to meet the needs of the occupiers as it would be reduced to an area of some 9 sq. m to the rear of the proposed extension. This would be below the minimum standard required by the SDCSPD. Consequently, the proposal would result in material harm to the living conditions of the occupiers of the dwelling as it fails to provide adequate residual private amenity space.
7. Furthermore, the proposed garden area would also be significantly smaller than other gardens in the vicinity of the appeal site. The erection of the proposed rear extension, along with the retention of the two storey and single storey side extensions as depicted on the proposed plans, would result in a lack of space being retained about the building. This gives the appeal site a somewhat overdeveloped and cramped appearance in contrast to the more open developments that surround the appeal site.
8. Thus, the development would result in material harm to the character and appearance of the area and the host property and the living conditions of occupiers of the dwelling. It would be in conflict with Policies CS1 and CS5 of the London Borough of Barnet Core Strategy DPD 2012, Policies DM01 and DM02 of the London Borough of Barnet Development Management Policies DPD 2012, the London Borough of Barnet Residential Design Guidance Supplementary Planning Document 2016 and the SDCSPD which seek, amongst other things, to ensure that developments create high quality places that respect local context, distinctive local character and the appearance, scale and pattern of surrounding buildings and provide adequate outdoor amenity space.

Conclusion

9. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR

¹ Plans 201909/7WC/02 (Proposed Floor Plans) and 201909/7WC/04 (Proposed Elevations)