
Appeal Decision

Site visit made on 1 September 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2020

Appeal Ref: APP/N5090/D/20/3245785

71 Victoria Road, New Barnet, Barnet EN4 9PH

- 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 Ms Z Nash against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/5332/HSE, dated 2 October 2019, was refused by notice dated 27 November 2019.
 - The development proposed is described as 'demolition of existing rear addition and construction of a single storey rear extension, part approved under ref: 19/4090/PNH'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of 69 Victoria Road with particular regard to light and outlook; and on (ii) the character and appearance of the host dwelling and area.

Reasons

3. The detailed architectural styles and materials of the dwellings on Victoria Road near to the appeal site vary. Even so, their positioning on strong building lines and inclusion of similar common features including single-storey front bays and porches result in a relative uniformity to the street scene overall. Assorted single and two-storey projections with a mix of roof forms and designs, as well as roof alterations and extensions result in greater diversity at the rear of buildings. However, views towards these from the street scene are in many cases restricted as a result of the close relationships between buildings.
4. The appeal dwelling and its attached neighbour at 69 Victoria Road include similar two-storey rear outrigger projections. The appeal proposes to replace an existing single-storey projection beyond the outrigger to the appeal dwelling with a new extension which would wrap around to infill the gap between the outrigger and the boundary with No 69.

Living Conditions

5. The Council's Residential Design Guidance Supplementary Planning Document 2016 (SPD) suggests that a depth of 3.5m is normally considered acceptable for rear extensions to semi-detached properties. The proposal would exceed this, and would lead to a considerable increase in the depth of the dwelling closest to the boundary with No 69.

6. The development would be positioned close to the glazed patio doors to the closest part of the rear elevation to No 69, and would result in a blank wall of substantial depth running along the boundary. There is disagreement between the main parties over the height of the extension, but it would in any case be notably greater than the existing fence here. The height and significant depth of the extension (which the Council suggests would be around 7.1m), together with its proximity to No 69, would combine to form a dominant and overbearing feature and would result in a pronounced loss of outlook for the occupiers of this dwelling. The rear of the appeal dwelling and No 69 face broadly north limiting potential for overshadowing, but the scale and position of the extension would still be likely to cause an overall reduction in levels of daylight reaching the neighbouring patio doors, particularly in combination with the existing two-storey projection to No 69.
7. The loss of light and outlook as a consequence of the proposal would have a significant adverse impact on the living conditions of the neighbouring occupiers. While I acknowledge that neighbours have not objected to the development, the harm I have identified would be permanent.
8. The appellant has a 'fallback' position arising from a Prior Approval (PA) application for a 6m deep extension along the boundary with No 69¹. I saw no evidence that building works had commenced in relation to the PA extension, but I have no reason to doubt that there is a theoretical possibility that it could be built. It is therefore an important material consideration. However, the PA extension would be of lesser height and depth than the development which is before me. The PA fallback would therefore be less harmful to neighbouring occupiers' living conditions, and as such, it does not justify the appeal proposal.
9. The appellant has also referred to approval for a 6m deep extension at No 69², but I have not been provided with full details of this proposal and at the time of my site visit there was no indication of construction work taking place. I have therefore considered the appeal on the basis of the existing circumstances as I cannot be sure that the neighbouring development would be implemented, nor how it might alter the impact of the appeal proposal if it were constructed.
10. For these reasons, I conclude on this main issue that the proposal would cause unacceptable harm to the living conditions of the occupiers of 69 Victoria Road. As a consequence, the proposal would conflict with Policies CS1 and CS5 of Barnet's Local Plan Core Strategy 2012 (CS), Policy DM01 of Barnet's Local Plan Development Management Policies 2012 (DMP) and Policies 7.4 and 7.6 of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011. Amongst other things, these policies seek quality environments and to ensure adequate living conditions for adjoining occupiers. There would also be conflict with guidance within the SPD that extensions should not cause a significant sense of enclosure; or a loss of outlook from or loss of light to, neighbouring habitable rooms.

Character and Appearance

11. The development would not project beyond the existing extension on the site. It would be of greater height and width, but even so, and despite its depth, I am satisfied that the overall bulk and mass of the extension would not be disproportionate to the host dwelling as a whole. I additionally note that a garden of significant depth would be retained to the rear of the property. The extension's

¹ Application reference 19/4090/PNH

² Application reference 18/6722/PNH

simple design and form and the fenestration and use of matching materials would also be generally sympathetic to the style of the original dwelling.

12. Moreover, from the rear garden of the appeal site I was able to observe projections of differing scale, form and design to other buildings nearby. In this varied context, the extension would not be out of keeping or incongruous. The relationship with surrounding development also means that it would not be readily apparent from Victoria Road, and views from the street scene would in any case be little different from the existing extension.
13. Although the extension would exceed the 3.5m depth that the SPD indicates would normally be considered acceptable, the design and overall scale would not be excessive or overly bulky in comparison to the host dwelling or site, and the development would not be a prominent or conspicuous feature in its surroundings. A departure from the SPD guidance is therefore justified in this case.
14. For these reasons, I conclude on this main issue that the proposal would maintain the character and appearance of the host dwelling, street scene and area. It would therefore comply with CS Policies CS1 and CS5 and Policy DM01 of the DMP which seek, amongst other things, development that respects local context and distinctiveness and which makes a positive contribution to the borough, including through respect for the appearance and characteristics of surrounding buildings.

Other Matters

15. There are windows to the sides of the existing extension on the site, but their position at ground level and boundary fencing limits harmful overlooking to neighbouring occupiers, limiting the benefit from their removal. I am sympathetic to the appellant's desire to improve living conditions within the dwelling and its environmental credentials, and note the concerns regarding the quality of the existing extension and difficulty in heating and cooling it. I also acknowledge comments that the proposal would avoid a need for internal steps as would be the case under the PA extension, benefitting the accessibility of the building. Nevertheless, while I recognise that the proposal would be built to current Building Regulations requirements using sympathetic materials, the harm to the living conditions of the occupiers of No 69 would be significant and would not be outweighed by these factors, either individually or cumulatively.
16. The appellant has referred to approval for extensions of similar size and configuration nearby. However, given the very limited details presented I am unable to ascertain how their circumstances compare with those which apply in this appeal, including particularly their relationship with neighbouring buildings. I have in any case determined the appeal before me on its own merits.

Conclusion

17. The proposal would not harm the character or appearance of the dwelling or area, but this does not outweigh the significant harm to the living conditions of neighbouring occupiers. The proposal would conflict with the development plan as a whole and there are no material considerations which indicate that a decision contrary to the development plan should be reached. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR