



Appeal Decision

Site visit made on 7 September 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/N5090/W/20/3245318

3 Southfield, Barnet, London EN5 2AS

- 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 Mangala Buwathsinhala against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/5867/HSE, dated 31 October 2019, was refused by notice dated 30 December 2019.
 - The development proposed is the conversion of garage into habitable room, insertion of window to replace garage door, and 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 and the conversion of the existing garage into habitable room, insertion of window to replace garage door at 3 Southfield, Barnet, London EN5 2AS in accordance with the terms of the application, Ref 19/5867/HSE, dated 31 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and drawing FUL-01R.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The Councils' decision notice describes the proposal as a 'single storey rear extension. Conversion of the existing garage into habitable room, insertion of window to replace garage door'. I note that the Appellant also utilised this description on their appeal form. Given that both the original and amended descriptions accurately describe the proposal on the plans, I have adopted the later (amended) description for my decision.
3. At my site visit I observed that the garage had been demolished and a new-build extension was in the process of being constructed. The Appellant explained that this was following the grant of planning permission by the Council. However, I have not been provided with details of this permission and I have therefore determined this appeal on the basis of the submitted plans of the application.

4. In addition to the above, and from the evidence before me, the property has been extended with a single storey rear extension¹. There is some dispute between the main parties as to whether the proposed bathroom had been constructed as part of the single storey rear extension. Given that further construction works have taken place, it was not possible for me to conclusively determine whether the bathroom was constructed at the time of the rear extension. However, the evidence I do have points to the fact that the bathroom was not constructed at the time of the Councils decision. That said, I consider that this is not a determinative factor for my decision.

Main Issues

5. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of 2 Southfield with particular regard to outlook and light.

Reasons

Character and appearance

6. The appeal site is located in a residential area on the south side of Mays Lane and consists of a semi-detached two storey property. The appeal plans clearly show that the proposal is for a small bathroom extension to the rear of the garage/store which would also be to the side of the kitchen/dining room rear extension. The appeal plans show that both the garage/store and the rear extension have a flat roof and the appeal proposal would also have a similar design.
7. Taking this into account, it is clear to me that the overall design and appearance of the extension would be consistent with the garage/store and also the rear extension. With that in mind, I find the design and appearance of the extension wholly appropriate.
8. Turning to the scale of the overall works, from the evidence before me, the Councils concern seems more to do with the separation distance maintained to the side facing No.2 when the appeal development is combined with the previously permitted development. However, I consider that the combined development does not present any significant adverse issue on the character and appearance of the property or the wider area. This is particularly the case given the small-scale nature of the bathroom extension.
9. For the above reasons the proposal would respect the character and appearance of the host property and the wider area and would be in accordance with Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012), (BDMPDPD), Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) and the principles of the Residential Design Guidance SPD (2016) (SPD) which amongst other matters seek to ensure that proposal which accord with the presumption in favour of sustainable development are approved without delay, and that proposals minimise the impact on the local environment including how proposals should be based on an understanding of local characteristics.

¹ Council reference 19/3664/PNH

Living conditions

10. From the Officers' report, the concern of the Council relates to the effect on outlook and the potential loss of light to the occupiers of No. 2 as a result of the combined development. However, as I noted at my site visit, the juxtaposition between the appeal property and No. 2 is such that any loss of light would be minimal especially given the flat-roofed single storey nature of both the appeal development and the rear extension in combination. In terms of outlook, the appeal extension would be largely located to the side of No. 2 and would not be especially prominent either. With both of these factors in mind, the appeal development would not have an unacceptable impact on the living conditions of the occupiers of No. 2.
11. In addition to the above, the Officers' report states that there would be no appreciable harm to the amenity of the neighbouring occupier at 4 Southfield. However, it goes on to say there is a detrimental impact to the attached neighbouring property (which is No. 4). That said, this does not form part of the Council's reasons for refusal.
12. Given the confused nature of the report, together with all the other evidence before me, I consider that there would be no harm to the living conditions of the occupiers of No. 4 which would warrant the withholding of planning permission on this ground.
13. For the above reasons the proposal would not adversely affect the living conditions of the occupiers of 2 Southfield and the development would accord with Policies DM01 and DM02 of the BDMPPD and the SPD which amongst other matters seek to ensure that development proposals should be designed to allow for adequate daylight, sunlight and outlook for adjoining occupiers.

Conditions

14. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition requiring the use of matching materials is also necessary.
15. In addition to the above, in the officers' delegated report there are two further conditions suggested should an appeal be submitted. These relate to the roof of the extension not being used as a balcony/roof garden and the restriction of permitted development rights in relation to windows/doors being inserted into the side elevation of the extension to 2 Southfield. However, I consider that neither of these conditions are necessary.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR