

Appeal Decision

Site visit made on 16 October 2020

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/N5090/D/20/3252197

23 Old Fold View, Barnet EN5 4EA

- 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 John Dean against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/1113/HSE, dated 27 February 2020, was refused by notice dated 28 April 2020.
 - The development proposed is the erection of a balcony and an access staircase.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal site's address is listed on the application form as: "*23 Old Fold View, Barnet, Grimsdyke Cres to No Sixty Seven, Barnet EN5 4EA*". Both the Council's decision notice and the appeal form simplify this somewhat confusing address to that shown in the heading to this decision.

Main issues

3. The main issue is the effect of the proposal on living conditions at neighbouring properties, in terms of any effects on privacy.

Reasons

4. No 23 is a detached house within a row of detached houses on a residential street. It has recently been extended to the rear to provide 2 floors of accommodation at upper and lower ground floor levels, taking advantage of the relatively steep downward slope of the land here. This extension goes well beyond the backs of the houses to either side, Nos 21 and 25. The proposal is to build a balcony at upper ground floor level at the back of the new extension. This would be a sizeable structure, about 3m in depth and over 6m wide, plus a new stair leading down to garden level. The submitted plans show a low glass balustrade to the sides and end of the balcony.
5. A scaffolding platform was in place at the time of my visit. Although larger than the proposed balcony, this platform was at a similar height, giving me a good

- opportunity to assess the potential impact of the proposal on neighbours' privacy.
6. The Council's Supplementary Planning Document *Residential Design Guidance* (SPD) states that balconies should be carefully considered to ensure that adequate privacy is maintained, advising that habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by elevated amenity areas such as balconies and terraces.
 7. The balcony as proposed would provide close range views of the garden areas immediately to the rear of Nos 21 and 25, intruding on privacy at those properties. I note that No 25 itself has a raised terrace at the back, but this does not project nearly as far and steps down to a much lower level which would be badly overlooked. The proposed balcony would also give elevated and unobstructed views of the lower sections of these neighbouring gardens. This secondary overlooking would not be unacceptable on its own, but in combination with the main overlooking identified above, would create a somewhat oppressive situation in which the whole of the gardens of the next door houses would be seen from an elevated vantage point.
 8. The appellant suggests that overlooking could be prevented by installing fence panels to the sides of the proposed balcony. This would greatly reduce the loss of privacy, but the fence panels would need to be at a substantial height compared to the neighbours' gardens. Together with the already deep rear extension, they would form an unduly overbearing structure. I find, therefore, that the installation of new fencing would not be a satisfactory solution here.
 9. I recognise that no neighbours have objected to the appeal proposal, but must assess this case on its merits, bearing in mind that others would live in those houses in the future.
 10. I conclude that the proposal would unacceptably harm living conditions at 21 and 25 Old Fold View through loss of privacy. It would therefore conflict with the shared aims of Barnet's Local Plan Development Management Policies Development Plan Document Policy DM01 and the SPD, to ensure that development proposals are designed to allow for adequate privacy. The Council has also cited conflict with Policies CS NPPF and CS5 of Barnet's Local Plan Core Strategy Development Plan Document, but it is not clear that the proposal would conflict with these more strategic and design policies.
 11. Like the Council, I find no objection to the effect of the balcony on local character and appearance. This does not, however, override my concerns about the impact on neighbours. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR