



Appeal Decision

Site visit made on 27 September 2020 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2020

Appeal Ref: APP/N5090/D/20/3248542

16 Russell Gardens, Golders Green, London NW11 9NL

- 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 Jonathan Rabson against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/6023/HSE, dated 7 November 2019, was refused by notice dated 3 January 2020.
 - The development proposed is a 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 at 16 Russell Gardens, Golders Green, London NW11 9NL in accordance with the terms of application Ref 19/6023/HSE, dated 7 November 2019 and subject to the following conditions:
 1. The development hereby permitted shall begin no later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: existing site plan U-XX-LP001; existing plans U-XX-EP001; existing elevations U-XX-EE001; proposed plans U-XX-PP001 Rev 1; proposed elevations U-XX-PE001 Rev 1.
 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.
 4. The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building, and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Preliminary matter

2. Planning permission has been granted¹ for a single storey rear extension that has a smaller projection beyond the existing rear elevation, along the northern side boundary, than the proposal before me. I have had regard to it in so far as it relates to the appeal scheme.

¹ Application ref: 19/3671/HSE

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

4. The main issues are the effect of the proposal on the:
 - character and appearance of the host dwelling and surrounding area; and
 - the living conditions of the occupiers of neighbouring property No 18 Russell Gardens, with particular regard to loss of outlook and overshadowing.

Reasons for the Recommendation

Character and appearance

5. The appeal relates to a semi-detached dwelling located within a residential area, which is largely defined by semi-detached properties. The pairs of semi-detached dwellings are offset in relation to each other as they follow the curve of the road. The appeal dwelling, as well as the adjoining properties, have two storey outriggers to the rear. Nos 14 and 16 also have single storey rear extensions that project beyond the rear elevations of the two-storey elements.
6. The proposed single storey flat-roofed rear extension would have a rectangular shape and would extend beyond the existing rear elevation by approximately 3.5m. It differs from the approved scheme, as it would involve an additional rearward projection of approximately 1.5m along the northern side boundary, which is shared with No 18 Russell Gardens.
7. The additional massing of the proposed extension, when taken cumulatively with that of the existing extension, would represent a substantial addition to the rear of the original dwelling. Notwithstanding this, given the overall scale of the original dwelling, the single storey nature of the extension, its limited height, and siting in relation to the host dwelling, the proposal, when considered along with the existing extension, would appear as a proportionate and subservient addition.
8. Whilst No 18 does not currently have a single storey rear extension, there are single storey elements that extend along the side boundary shared with the appeal property, and project beyond the existing building line of No 16. As such the proposal would not appear out of keeping when viewed within the context of the rear gardens of the neighbouring properties. The secluded position of the proposed extension would ensure that the proposal would have a neutral effect on the character and appearance of the street scene and the surrounding area.
9. Accordingly, whilst I acknowledge there would be a degree of conflict with the Local Plan Supplementary Planning Document: Residential Design Guidance (RDG), regarding the overall depth of the single storey rear extension, I conclude that the appeal development would not adversely affect the character and appearance of the host dwelling or the surrounding area. Therefore, the development would not conflict with Policy DM01 of the Barnet's Local Plan (Development Management Policies), and Policy CS5 of the Barnet's Local Plan

(Core Strategy), which collectively require, amongst other things, that new developments preserve or enhance the appearance, scale, mass, height and pattern of surrounding buildings.

Living conditions

10. The rear outrigger of No 18, which is located next to the side boundary shared with the appeal property, has a high-level window on the rear elevation, which appears to serve a non-habitable room. The two-storey rear outrigger of No 18 is extended by a single storey element and an outbuilding that project along the side boundary shared with the appeal site. These elements together with the boundary treatment between Nos 16 and 18, which consist of timber fence, hedge row, trees and other vegetation, provide a good level of screening.
11. The original staggered arrangement of the rear building line of Nos 16 and 18 has been exacerbated by the existing extension. The proposal would further increase the stagger, and would be located to the south west of No 18. Notwithstanding this, given the height of the proposed extension, which would be lower than that of the existing single storey rear extension, and the existing screening between the properties, the proposal would not be overbearing or adversely affect the outlook for No 18, nor result in a sense of enclosure. Likewise, the levels of overshadowing would not be increased to a detrimental degree. Accordingly, the proposal would not result in significant harm to the living conditions of the occupiers of No 18.
12. In the light of the above, I conclude that the appeal development would not adversely affect the living conditions of the occupiers of neighbouring property No 18, with regard to loss of outlook and overshadowing. Consequently, the development would not conflict with Policy DM01 of the Barnet's Local Plan (Development Management Policies), and Policy CS5 of the Barnet's Local Plan (Core Strategy), which collectively require, amongst other things, that new developments are designed to allow for adequate daylight, sunlight and outlook for adjoining and potential occupiers and users, and protect the gardens of residential properties. The proposal would also accord with the guidance contained within the RDG regarding the protection of neighbours' amenity.

Conditions and Recommendation

13. In the interests of proper planning and to provide certainty I have recommended the standard time limit condition and have specified the approved plans. In order to protect the character and appearance of the area, a condition that specifies that matching materials are used in the development is necessary. To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking, a condition requiring the roof of the extension hereby permitted to be used only in connection with the repair and maintenance of the building is necessary. These conditions have also been suggested by the Council in the event that the appeal was allowed.
14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to these conditions.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Susan Ashworth

INSPECTOR