



Appeal Decision

Site visit made on 20 October 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/N5090/D/20/3257583

37 Cyprus Road, Finchley, London N3 3SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by J.P.S.P Properties against the decision of the Council of the London Borough of Barnet.
- The application Ref 20/2375/PNH, dated 27 May 2020, was refused by notice dated 30 June 2020.
- The proposed development is single storey rear extension with a proposed depth of 6.00 metres from original rear wall, eaves height of 2.60 metres and maximum height of 2.60 metres.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, [Part 1, Class A] of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
 4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, Paragraph A.4(7) requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises when an occupier of any adjoining premises objects to the proposal.
 5. The description of the proposed development is referred to within the application form as single storey rear extension. However, the appellant has stated in Section E of the appeal form that the description of the proposal has changed. The revised wording included within the appeal form is the same as what is included within the Council's decision notice. I have therefore included this revised description within the banner heading above.
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Main Issue

6. The main issue in this appeal is the effect of the proposal on the amenity of the occupiers of Nos. 35 and 39 with particular regard to outlook and light.

Reasons for the Recommendation

7. The appeal site comprises a three-storey, mid-terrace dwellinghouse on the northern side of Cyprus Road. The appeal property has already been subject to a single-storey ground-floor rear extension.
8. No 35, which adjoins to the east, has also been subject to a single-storey rear extension which is flush with that of the appeal property. I saw during my site visit that No 35 already has limited outlook to the north from the rear-facing ground-floor windows as a tall outbuilding is located in close proximity at the end of its rear garden. The remaining private amenity space is therefore smaller and more enclosed than that of neighbouring properties. The proposed development would extend along the shared boundary with No 35 and introduce a solid wall that would be taller than the existing, lightweight boundary fence. Due to its excessive depth, height and close proximity, the proposal would unacceptably reduce outlook from the rear-facing ground-floor windows of No 35. The proposal would also further enclose the existing rear garden and so would have a further detrimental effect on the outlook of neighbouring occupants from their private amenity space.
9. No 39, which adjoins to the west, has not been extended at ground-floor level. The proposed development would extend along the shared boundary with No.39 by 6m and introduce a solid wall that would be taller than the existing boundary fence. The depth and height of the proposed rear extension, in combination with its proximity to the rear-facing ground-floor windows of No.39, would result in an unacceptable reduction to the outlook of the occupants of No 39, to the detriment of their amenity.
10. No 39 has a substantial garden on a corner plot. I do not consider that the proposal would unduly reduce outlook from their garden and so its effect in this respect would be acceptable.
11. As the appeal property and both Nos 35 and 39 have a northern aspect to the rear, I do not consider that the proposal would cause unacceptable harm to the amenity of the occupants of Nos 35 and 39 in terms of sunlight.
12. While I acknowledge that the proposal would not harm the amenity of neighbouring occupants in terms of privacy, this does not justify the identified harm that would be caused.
13. Contrary to the appellant's grounds of appeal, the occupants of No 39 did object to the proposal during the neighbour consultation process, including with regard to its impact on their outlook. As set out above, this is a concern I share.
14. The appellant has drawn my attention to three appeals with respect to the effect of a boundary fence. However, in all three cases the extent of the extensions that would be above the respective boundary fences is not stated and so I cannot attest to the degree to which they are comparable. In any case, each appeal must be considered on its own merits.

15. For the above reasons, I conclude that the proposed development would cause unacceptable harm to the amenity of the occupants of Nos 35 and 39 in terms of outlook. It would therefore conflict with Policy DM01 of the Development Management Policies 2012 which, amongst other things, states that development should be designed to allow for adequate outlook for adjoining occupiers. However, Policies CS1 and CS5 of the Core Strategy 2012 do not relate to the impact of development on neighbour's living conditions, and so the proposal does not conflict with them.
16. The proposal would also conflict with the Residential Design Guidance Supplementary Planning Document 2016, which states that extensions should be designed to ensure that they do not result in harm to adjoining properties in terms of outlook.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR