



Appeal Decision

Site visit made on 24 November 2020

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020.

Appeal Ref: APP/N5090/W/20/3257174
100 East Barnet Road, Barnet EN4 8RE

- 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 M Kay against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/2244/FUL, dated 12 May 2020, was refused by notice dated 24 July 2020.
 - The development proposed is the construction of a two storey rear extension to provide a 1 x 1 bed dwelling with associated amenity space, refuse storage and off-street parking.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a two storey rear extension to provide a 1 x 1 bed dwelling with associated amenity space, refuse storage and off-street parking at 100 East Barnet Road, Barnet EN4 8RE in accordance with the terms of the application, Ref 20/2244/FUL, dated 12 May 2020, subject to the conditions identified in the attached Schedule to this decision.

Main Issue

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the living conditions of the occupiers of 8 Margaret Road.

Reasons

Character and Appearance

3. Planning permission has been granted by the Council for alterations to the appeal property to enable its conversion into 2 self-contained flats and the erection of a 1-bedroom dwelling (Ref 20/2659/FUL). The planning permission is a credible fallback position and is given significant weight in the determination of this appeal, particularly where it was observed during the site visit that some construction works were being undertaken. This appeal scheme is for a similar dwelling with the difference being that the first floor extension to the host property would be some 0.7 metres longer to align with the approved side wall at ground floor level.
4. By reason of siting at the junction of East Barnet Road and Margaret Road, the rear extension would, in effect, appear a side addition within the streetscene along Margaret Road. Fronting the road adjacent to the property is an isolated

terrace of four 2-storey dwellings. The eaves and ridge heights of this terrace vary by reflecting the gradient of the road. Other uses along the road are predominantly commercial, including employment units and the car parking and servicing areas of commercial properties fronting East Barnet Road.

5. Under this main issue, the Council's concerns are specifically directed at the lack of a 2 metre wide gap at first floor level between the side elevations of the proposed dwelling and 8 Margaret Road. The Council's *Residential Design Guide Supplementary Planning Document* (RDG) refers to there normally being a minimum gap of 2 metres between the flank walls of properties at first floor level in order to reduce the visual impact of 2-storey or first floor side extensions. Where gaps between houses are a common feature of a street, then the RDG identifies that proposals which close such gaps or create a terracing effect by bringing buildings too close together are likely to be rejected. However, the RDG can only be guidance because it cannot address the individual circumstances of all proposed developments.
6. Although the normal 2 metre gap sought by the RDG would not be provided, there would be a gap between the side elevations of some 1.3 metres at first floor level. Further, this is not a situation where gaps between dwellings are common features of the streetscene because of the variations in its character and land uses. For these reasons, the appeal scheme would not result in an incongruous form of development which would give rise to either an unacceptable terracing effect or the appearance of a cramped form of development within the streetscene. The appearance of the proposed gap would be accentuated by the difference in the ground level and heights of the proposed dwelling and No. 8.
7. There would be limited differences in the scale of the approved and appeal schemes and these would not justify the failure of this appeal on grounds that the size of the proposed development would not be subservient to, or subordinate in scale with, the host property.
8. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would not conflict with Policies 7.4 and 7.6 of the London Plan, Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (CS), Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document (DMP) and the RDG. Amongst other matters, these policies require development to represent high quality design and to respect, complement and protect local character

Living Conditions

9. The footprint of the proposed development would be the same as the approved scheme and would not encroach towards the fence which defines the boundary between the property and the rear garden of No. 8. However, the size of the proposed development would be longer at first floor level because of the larger extension.
10. During the site visit it was observed that the rear garden of No. 8 faces south and the proposed extension is situated to the north of the shared boundary. Accordingly, by reason of orientation and siting, the appeal scheme would not materially alter levels of daylight and sunlight reaching the rear garden of No. 8 when compared to the approved scheme.

11. Further, although the first floor extension would be longer than the approved scheme, because of its siting away from the shared boundary the proposed development would not materially change any sense of enclosure experienced by the occupiers of No. 8. Similarly, there would be no material differences concerning either overlooking the rear garden of No. 8 or a further loss of privacy to the occupiers of this neighbouring property. However, a condition requiring obscure glazing for, and limited opening of, proposed first floor windows would be necessary to prevent overlooking and loss of privacy.
12. Reference has been made to the occupier of No. 8 to the effect of the proposed development on the 2 ground floor windows. These windows are obscurely glazed and do not appear to serve habitable rooms. Indeed, there is reference by the neighbouring occupier to 1 of the windows serving a hall. The side elevation of the approved scheme would be sited close to these windows and this relationship would not alter as a consequence of the proposed development. There would be no material change to the outlook from these windows when the approved and appeal schemes are compared.
13. On this issue it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 8 Margaret Road and, as such, it would not conflict with DMP Policy DM01 and the RDG. Amongst other matters the policy and guidance refer to development maintaining adequate daylight, sunlight and outlook for adjoining occupiers. As part of this main issue, CS Policies CS1 and CS5 are concerned with general design aspirations and character rather than living conditions matters.

Conditions

14. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For the avoidance of doubt, a condition is required for the proposed development to be erected in accordance with the submitted drawings. As an addition to an existing property, it is appropriate for a condition to be imposed requiring the use of matching external materials.
15. The provision of appropriate refuse storage and both car and cycle parking are necessary before the occupation of the proposed dwelling. Although the locations of the parking and refuse stores are shown on the submitted drawings their detailed designs are not and conditions are appropriate. The need for details on landscaping is unnecessary given the size of the development and the existing context of the proposed dwelling.
16. By reason of the proximity of the proposed dwelling to neighbouring properties, a construction management plan is necessary to protect the living conditions of the occupiers but its content should be proportionate to the likely impacts.
17. As already identified, a condition requiring the first floor windows to be obscurely glazed and of limited opening is necessary. Exceptionally, because of the limited size of the amenity space and the proximity of other properties, it would be necessary for permitted development rights related extensions, alterations and the erection of outbuildings or other structures within the curtilage to be withdrawn for the proposed dwelling. Other permitted development right should be retained.

Conclusion

18. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR

Schedule of 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; A001-REV:P1; A002-REV:P1; A003-REV:P1; A101-REV:P1; A102-REV:P1 and A201-REV:P1.
- 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 development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Construction Management Plan submitted shall include the following information:
 - i) details of the hours of operation including deliveries to the site;
 - ii) the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works and storage of materials; and
 - iii) noise mitigation measures for all plant and processors.
- 5) The development hereby permitted shall not be occupied until details of the design of the cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided in accordance with the approved details before the development is occupied or use commences.
- 6) The development hereby permitted shall not be occupied until details of the design of the car parking spaces have been submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be provided in accordance with the approved details before the development is occupied or use commences.
- 7) The development hereby permitted shall not be occupied until details of the design of refuse storage facilities, including facilities for the recycling of waste to be provided within the development, have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

- 8) The dwelling hereby permitted shall not be occupied until the first floor windows in the southern elevation facing 102 East Barnet Road have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, alterations or additions to the approved dwelling, including to the roof, and no buildings, enclosures or structures within the curtilage of the dwelling shall be erected.