



Appeal Decision

Site visit made on 7 December 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal Ref: APP/N5090/D/20/3258482

52 Ventnor Drive, Whetstone, London N20 8BS

- 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 Randhir Bains against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/1581/HSE, dated 26 March 2020, was refused by notice dated 5 June 2020.
 - The development proposed is a single storey side extension to rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area
 - the living conditions of nearby occupiers, with particular regard to loss of outlook and natural light.

Reasons

3. The appeal property is a traditional 2-storey, semi-detached dwelling, located on the eastern side of Ventnor Drive. Many of the dwellings within this residential area have been altered or extended to their rear.
4. There is a detached, single-storey outbuilding at the end of the rear garden of the appeal property and a partly constructed, single-storey rear extension to the dwelling itself. Both of these developments are said to have planning permission.
5. However, I note that the size and position of the window openings in the partly constructed rear extension do not match those shown on the submitted drawings as 'existing'. The appellant also makes reference to other differences between what was approved and what is being constructed, including the height of the rear extension.
6. Government guidance is clear that the appeal process should not be used to evolve a scheme¹. I have determined this appeal on the basis of the submitted drawings considered by the Council in refusing planning permission, rather

¹ Annexe M, paragraph M.2.1, Procedural Guide Planning Appeals – England, November 2020.

than what I observed to have been partly constructed on site or as described by the appellant.

Character and appearance

7. The proposed development would entail the widening of the partly constructed rear extension almost to the boundary with No 50 next door. The height and profile of the shallow, mono-pitched roof would match the existing extension, as would the materials.
8. The appeal development would mean the rear extension would span almost the full width of the rear garden. However, the appeal development would be a relatively small addition to the existing, substantial extension. Its design, scale and massing would not be out of keeping with the existing extension or with the host property.
9. Furthermore, whilst part of the appeal development would be visible from Ventnor Drive, its set-back position would mean that it would not be a prominent feature in the streetscene.
10. For these reasons the proposed development would have an acceptable impact upon the character and appearance of the area. It would, therefore, accord with Policies CS1 (place shaping strategy for Barnet) and CS5 (High quality places) of Barnet's Core Strategy 2012 (BCS), and Policy DM01 (character and amenity) of Barnet's Development Management Policies Development Plan Document 2012 (BDMPDPD), in this regard.

Living Conditions

11. No 50 is a traditional detached dwelling located to the south of the appeal property, with a similar orientation to Ventnor Drive and with a principal rear elevation in a similar plane as the principal rear elevation of No 52, although projecting a short distance further to the east.
12. There is a gap of some 1.9m between the side elevation of No 50 and the boundary with the appeal property which, in the rear garden, is formed by a timber panel fence around 2.0m in height. The maximum height of the mono-pitched roof of the proposed extension would be some 4.0m, sloping downwards to around 2.7m at eaves level, some 4.5m from the principal rear elevation of No 52.
13. The position of the proposed development to the north of No 50 means that it would not overshadow that property and its occupiers would not experience any significant loss of light as a result.
14. However, the scale and massing of the proposal, together with its position next to the boundary, means it would protrude above the boundary fence and significantly increase the sense of enclosure at the rear of No 50. It would be an overbearing and obtrusive feature that would significantly reduce the outlook from parts of the rear garden and to a somewhat lesser extent from the rear ground floor room closest to No 52.
15. The appellant's Grounds for Appeal states that the rear curtilage of No 50 is some 0.1m higher than the rear curtilage of No 52, and that a 45 degree line taken from the centre of the main rear ground floor window of No 50 would not intersect with the appeal proposal. These matters do not cause me to reach a

different conclusion regarding the harmful impact of the proposal, as set out above.

16. For these reasons the proposed development would adversely affect the living conditions of nearby occupiers, with particular regard to outlook. Consequently, it would conflict with Policy CS5 of the BCS, and Policy DM01 of the BDMPDPD, in this regard. I can find no conflict between the proposal and Policy CS1 of the BCS.

Conclusion

17. Notwithstanding the acceptable impact of the proposal on the character and appearance of the area, the adverse impact on the living conditions of nearby occupiers would outweigh this.
18. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR