
Appeal Decision

Site visit made on 5 January 2021

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 09 February 2021

Appeal Ref: APP/N5090/D/20/3259607

3 Friars Avenue, Whetstone, London, N20 0XE.

- 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 and Mrs Ellis against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/2038/HSE, dated 4 May 2020, was refused by notice dated 29 June 2020.
 - The development proposed is described as *part single, part two-storey side and rear extension following partial demolition of the existing garage. New raised terrace area.*
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Decision

1. The appeal is allowed and planning permission is granted for a part single, part two-storey side and rear extension following partial demolition of the existing garage. New raised terrace area at 3 Friars Avenue, Whetstone, London, N20 0XE in accordance with the terms of the application, Ref 20/2038/HSE, dated 4 May 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: PL-200, 201, 202, 203 and 204.

Main Issues

2. I consider the main issues to be:
 - a) the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area; and,
 - b) the effect on the living conditions of the residential occupiers of number 1 Friars Avenue in terms of a potential to result in a loss of daylight and sunlight, overshadowing and overbearing impact.

Reasons

Character and appearance

3. The appeal property, 3 Friars Avenue, is a two-storey semi-detached dwelling with an attached garage and single storey rear extension. The garage being in part attached to the adjoining property and in part forming the boundary wall to 1 Friars Avenue a detached corner property set at an acute angle to number 3. The area is characterised by two-storey semi-detached houses.
4. The appellant proposes a part single, part two-storey side and rear extension following partial demolition of the existing garage together with a new raised terrace area.
5. From the Council's evidence I understand that it finds the single storey rear and side extensions, along with the raised terrace acceptable. From what I have seen and read I would not disagree.
6. The proposed part two-storey extension would be wider than that previously approved. It would also have an element of flat roof to keep the overall height down. Nevertheless, the part two-storey part side extension would be set well back from the street façade. Therefore, given the three dimensional form of the proposed two-storey extensions, the hipped roof form proposed their roofs and the fact that the ridge line of the new roofs would be set down well below that of the roof of the main house I consider that the two-storey rear and side extensions would, on balance, appear as subordinate and well mannered additions to this property.
7. I conclude in respect of the first main issue that the proposed development would not cause harm to the host property and thereby the surrounding area. It would therefore accord with Policies 7.4 and 7.6 of the London Plan, Policies CS1 and CS5 of the London Borough of Barnet's – Barnet's Local Plan (Core Strategy) Development Plan Document (Adopted September 2012) (DPD), Policy DM01 of the of the London Borough of Barnet's – Barnet's Local Plan (Development Management Policies) Development Plan Document (Adopted September 2012) (DMP) and the London Borough of Barnet – Local Plan Supplementary Planning Document: *Residential Design Guidance* (Adopted October 2016) (SPD) as they relate to, amongst other things the quality of design and the protection of the visual character of the area.

Living conditions

8. The Council contends that the proposed development would result in a loss of daylight and sunlight, and have an overshadowing and overbearing impact on number 1 Friars Avenue.
9. The appellant submitted to the Council as part of the planning application a detailed daylight and sunlight assessment prepared by a specialist based on the standard BRE recommendations. This concluded that there would be no harm in terms of loss of daylight or sunlight. The Council states that it disagrees with the specialist's findings. However, it has not provided any evidence to support this contention. Accordingly, as the report accords with my own visual assessment I accept the findings that there would be no harm to the living conditions of the occupiers of number 1 in terms of loss of daylight or sunlight.
10. Given the orientation of the rear of number 1 to the south west and its relationship to number 3 together with its open aspect towards Friern Barnet Lane I do not consider that the proposed two-storey extension would appear

overbearing or result in such a significant degree of overshadowing as to cause harm to the occupiers living conditions.

11. I conclude in respect of the second main issue that the proposal would not result in a loss of daylight and sunlight or appear either so overshadowing or have such an overbearing impact as to cause harm to the residential living conditions of the occupiers of 1 Friars Avenue. It would therefore accord with the objectives of DPD Policy CS5, DMP Policies DM01 and DM02 and the London Borough of Barnet – Local Plan Supplementary Planning Document: Residential Design Guidance (Adopted October 2016) (SPD) as they relate, along with other things to the protection of living conditions.

Conditions

12. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.
13. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR