
Appeal Decision

Site visit made on 21 January 2021

by Baljit K Muston BA(Hons) PGDip MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/N5090/D/20/3259970
101 Victoria Road, New Barnet EN4 9PE

- 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 Samuel Kornhauser against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/3027/HSE, dated 6 July 2020, was refused by notice dated 5 August 2020.
 - The development proposed is a single storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension at 101 Victoria Road, New Barnet EN4 9PE, in accordance with the terms of the application, Ref 20/3027/HSE, dated 6 July 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 dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and drawings entitled "AS EXISTING", and "Proposed" and numbered 20052/01 Rev A and 01.
 - 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.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of 99 Victoria Road, with particular regard to any loss of light, outlook or overbearing impact.

Reasons

3. The Council is concerned that the proposed extension would result in an unacceptable loss of light, impact on outlook and an increased sense of an overbearing impact. It considers the proposal to be contrary to Policy DM01 of

Barnet's Local Plan (Development Management Policies) (2012) (DMP), which says that "*development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.*" The Council also adopted Residential Design Guidance as a Supplementary Planning Document (SPD) in 2016. This says that "*the depth of a single storey rear extension normally considered acceptable for terraced properties is 3 metres*". It goes on to say that the "*depth and/or height of the extension*" should not cause "*a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties*".

4. At present, the boundary between the outriggers at Nos 99 and 101 is formed by a panelled fence approximately 1.8 metres in height. The fence would be removed and replaced by the side wall of the extension. The affected windows and outside area belonging to No 99 are on the north side of the houses and, as the appellant points out, do not receive any sunlight at present. The proposed extension would result in some reduction in daylight reaching this area, and would appear a little more overbearing than the existing fence. However, bearing in mind the support for the application expressed by the occupiers of the affected property, I am not convinced that this would amount to an unacceptable loss of light or outlook or a significantly increased sense of enclosure.
5. The proposed would be deeper than that "*normally considered acceptable*" in the SPD. However, this is an occasion where the resulting harm does not justify resisting the proposal. For the above reasons I conclude that the proposed development would not have an unacceptably adverse effect on the living conditions of the occupiers of 99 Victoria Road, and would comply with Policy DM01 of the DPD. It follows that the proposal would also comply with Policy 7.6 of the London Plan, which requires buildings not to cause unacceptable harm to the amenity of surrounding buildings.

Conditions

6. As well as standard conditions relating to when the development should commence and compliance with the approved plans, a condition requiring the external materials used to match the existing building is necessary, to protect the character and appearance of the area. A condition preventing the flat roof from being used as a sitting out area is also necessary, in the interests of maintaining the privacy of neighbouring occupiers.

Conclusion

7. For the reasons set out above, I conclude that the appeal should be allowed, subject to the conditions set out above.

Baljit K Muston

INSPECTOR