
Appeal Decision

Site visit made on 23 February 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021.

Appeal Ref: APP/N5090/D/20/3262291

177 Church Hill Road, East Barnet, Barnet EN4 8PQ

- 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 C Teale against the decision of the Council of the London Borough of Barnet.
 - The application, Ref. 20/3866/HSE, dated 21 August 2020 was refused by notice dated 19 October 2020.
 - The development proposed is the addition of a new obscure glazed door on the first floor rear bay window and the erection of a small terrace on the existing flat roof with surrounding railings and paving stones as a base.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposal on the character and appearance of the area, and (ii) the effect on the living conditions for the occupiers of No. 179 Church Hill Road.

Reasons

3. On the first issue, I saw on my visit that the rear of properties in this part of Church Hill Road are a miscellany of shapes and sizes with many of a poor design standard and overall with no design coherence. Particularly noticeable are an array of large box dormer extensions including at the appeal property. The latter also has black railings to a Juliet balcony in the dormer and to a raised ground floor terrace.
 4. The appeal proposal is a small terrace or balcony, also with black railings and in itself of good design that would at the least result in an acceptable appearance. Given the context I have described, it would have a neutral effect on the character and appearance of the area and there would be no conflict with Policy DM01 of Barnet's Local Plan Development Plan Document 2012 and Policies CS1 & CS5 of Barnet's Core Strategy 2012.
 5. On the second issue, the proposed terrace would have direct views at only the slightest of an oblique angle onto No. 179's ground floor terrace and although much more oblique also across towards the side panel of their bedroom window. And although the proposed balcony would be small, it would still be large enough for at least one of the appellants to sit out. As and when this happens
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there would be the potential to overlook No. 179. Even if this didn't take place, the neighbours may well have a reasonable perception of being overlooked at any time.

6. The wide door onto the balcony is suggested as a screen as it would be left in place when the area was being used. For the appellants it is accepted that because the terrace would be so small, the closure of the door from outside would be a difficult manoeuvre. Nonetheless it could still be done.
7. Whilst I commend the ingenuity of this suggestion, I do not consider it reasonable to rely on the door being left open to ensure that the neighbours are not overlooked. Even if the appellants are sufficiently diligent to always leave the door open, this would restrict the extent of the view of the surroundings and indeed the sky, with the temptation to take advantage of the improved aspect. And any future occupiers of the property may well choose to have no regard at all to preserving the privacy of the occupiers of No. 179.
8. If permission were to be granted, the imposition of a condition requiring the door to be open when the balcony is in use would not be feasible because it would be entirely unenforceable. On balance therefore, I consider that the proposal would unacceptably harm the living conditions for the occupiers of No. 179 Church Hill Road through a loss of privacy. This would conflict with criterion 'e' of Policy DM01; the Council's Residential Design Guidance SPD, and paragraph 127f) of the National Planning Policy Framework 2019.
9. For the above reasons and notwithstanding my finding in the appellants' favour on the first issue, the appeal is dismissed.

Martin Andrews

INSPECTOR