



Appeal Decision

Site visit made on 29 March 2021

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal Ref: APP/N5090/W/20/3257456

63 Salcombe Gardens, LONDON, NW7 2NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Branko Pecanac against the Council of the London Borough of Barnet.
 - The application Ref 20/1867/HSE, is dated 20 April 2020.
 - The development proposed is the erection of a rear single-storey extension to replace an existing covered rear porch; the roof of the extension is to be part flat, part pitched and is not to exceed 3m in height; sliding/folding doors to be fitted in the rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear single-storey extension to replace an existing covered rear porch; the roof of the extension is to be part flat, part pitched and is not to exceed 3m in height; sliding/folding doors to be fitted in the rear elevation, at 63 Salcombe Gardens, LONDON, NW7 2NX, in accordance with the terms of the application, Ref 20/1867/HSE, dated 20 April 2020, and the plans submitted with it, subject to the following 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: Drawing 00P010-Rev B - Existing Layouts; Drawing 00P110-Rev C - Proposed Layouts; Drawing 00P105-Rev B - Site Location Plan and Proposed Block Plan.
 - 3) The materials to be used in the external surfaces of the building shall match those used in the existing building.
 - 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 in this case is the effect of the proposed extension on the living conditions of the occupiers of the adjacent No 61 Salcombe Gardens by way of outlook.

Reasons

3. No 63 Salcombe Gardens is an end-terraced house situated on the western side of the road. It has a single-storey rear extension with a mono-pitch roof, extending out some 2.9 metres from the main rear elevation and hard against the side boundary with the neighbouring No 61. At the time of my site visit there was a canopy roof projecting out from the roof of the rear extension, with an opposing pitch to that of the extension - effectively providing cover for a small patio area at the rear of the house.
4. The proposed extension would involve the demolition of the existing extension and its replacement with a new building that would be some 4.7 metres deep. The building would have an overall height of 3 metres with a flat roof that would have a small side pitch, commencing around 1 metre from the side boundary with No 61 and dropping to an eaves height of 2 metres at the boundary itself.
5. At an appeal into an earlier similar scheme at the appeal property, the inspector noted that 'the outlook from No 61 is already affected by the existing wall to the existing extension, and the proposed scheme would reduce the height of the wall nearest the back of the house on the boundary. Nevertheless, the development proposes a 3m high, 4.8m wall on the shared boundary in close proximity to the rear habitable windows of the neighbouring property. This would create an oppressive and dominant feature which would have an overbearing effect upon the outlook from the rear facing windows. I find that the extension proposed would adversely affect the outlook from the neighbour at No 61'.
6. The current proposed extension would be similar in design with the exception that the eaves height on the boundary would be reduced to 2 metres with a small ridged roof above sloping away from the boundary. In this case, the height on the boundary would be no higher than a fence or other boundary treatment that could be erected under permitted development rights. I note that the existing boundary treatment comprises a fence with trellis above which is around 2 metres in height. Although the proposed rear extension would project some 1.8 metres beyond that of the current building, the height of that element closest to the rear elevation of No 61 would be reduced to 2 metres, and I consider that the outlook from the window in the rear elevation of No 61 would be generally improved by this. Moreover, the extended depth would be mitigated by the reduction of the eaves height to 2 metres along the boundary, and the pitched roof element above, which slopes away from No 61.
7. In the light of the above, I conclude that the proposed extension would not result in an oppressive or over-overbearing outlook from the rear of the adjacent No 61 Salcombe Gardens, and it would not, on this basis, be significantly harmful to the living conditions of the occupiers of that property. It would generally conform to Policy DM01 of the Council's Development Management Policies Development Plan Document, and the overall objectives of the Barnet's Residential Design Guide Supplementary Planning Document, which seek to protect the amenity of adjoining occupiers.

Conditions

8. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the

avoidance of doubt and in the interests of proper planning. I have attached further conditions relating to materials, in the interests of the visual amenities of the area, and the restriction of the use of the roof of the extension, in the interests of protecting the residential amenities of the occupiers of the adjoining properties.

J D Westbrook

INSPECTOR