
Appeal Decision

Site visit made on 27 April 2021

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 MAY 2021

Appeal Ref: APP/N5090/W/20/3262428

109 North End Road, Golders Green, London NW11 7TA

- 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 Sia Tabibi against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/3481/FUL, dated 29 July 2020, was refused by notice dated 16 October 2020.
 - The development proposed is Removal of Juliette balcony and installation of a perimeter balustrade to flat roof to form roof terrace.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers.

Reasons

3. The appeal property is at the end of a group of three-storey terraced properties, following which the properties reduce in height. It has an existing balcony at two storey which is to one side of the rear outrigger.
4. The inclusion of a balcony at the proposed height would allow direct views into the gardens immediately to the east of the appeal property, with more distant views of the remaining properties along the road. Having regard to the size of the gardens the amenity space could be entirely surveyed by users of the balcony. This would not only result in a complete loss of privacy for those using the rear gardens, but the height of the balcony would emphasize the loss of privacy and result in an oppressive development.
5. Whilst obscurely glazed balustrades are proposed along this boundary, they would be a maximum height of 1500mm, which would still allow an adult to see easily into the private space of the adjoining properties. Whilst some level of natural overlooking occurs in urban areas I consider that the presence of an outdoor space of a reasonable size at such a height would result in a significant loss of privacy to neighbouring occupiers which would be significantly harmful to their living conditions.

6. To the rear of the property the boundary contains mature trees, and due to the size and form of the properties to the west of the appeal property being more akin to that of No 109 there would be less intrusion. The balcony would provide additional outdoor amenity space to that already provided by the existing balcony serving the kitchen area. Due to the scale of the buildings adjacent the existing balcony does not have a harmful impact on living conditions, furthermore the presence of that balcony provides outdoor space to the occupiers. As such I do not consider that these factors overcome the harm to the living conditions of neighbouring occupiers to the east of the site.
7. I find that the proposal would be harmful to the living conditions of neighbouring occupiers. It would conflict with Policies CS NPPF and CS5 Barnet's Local Plan (Core Strategy) 2012, and Policy DM01 of Barnet's Local Plan (Development Management Policies) 2012 which amongst other things seek to ensure development protects gardens of residential properties and that proposals are designed to allow for adequate privacy for adjoining and potential occupiers.

Conclusion

8. I have found that the proposal would conflict with the development plan when taken as a whole. There are no material considerations that outweigh this conflict, and therefore the appeal should fail.
9. Accordingly, for the reasons above and having regard to all other matters raised I conclude that the appeal is dismissed.

J Ayres

INSPECTOR