



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/20/3263467

23-25 Alba Gardens, Golders Green, London NW11 9NS

- 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 M Heller and Mr Y Rabinowitz against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/3379/HSE, dated 13 July 2020, was refused by notice dated 21 September 2020.
 - The development proposed is part single, part two storey rear extension. Alteration to raised patio.
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Decision

1. The appeal is allowed and planning permission is granted for part single, part two storey rear extension. Alteration to raised patio at 23-25 Alba Gardens, Golders Green, London NW11 9NS in accordance with the terms of the application, Ref 20/3379/HSE, dated 13 July 2020, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

3. The application site comprises a set of two, two storey adjoining semi-detached properties located at the corner of Alba Gardens and Brookside Road.
4. The proposal at first floor would create an infill extension between two existing rear outriggers. The extension would not extend beyond the rear building line of the outriggers and would have a positive effect on the rear façade of the dwellings when viewed from Brookside Road as it would create a more successful form of symmetry to the pair of dwellings at first floor level. Due to the existing extension on No 23 Alba Road at roof level the first floor extension would sit comfortably within the wider built form and would not appear overly dominant in respect of the relationship with the host dwellings.
5. The ground floor extension to the rear would be partially visible from Brookside Road. I am satisfied that due to the generous length of the rear gardens and

the symmetrical design, the proposal would sit comfortably within the built form of the host dwellings and wider area.

6. Accordingly, I find that the proposal would sit comfortably within the context of the host dwellings and wider street scene. The proposal would comply with Policy CS5 of Barnet's Local Plan (Core Strategy) 2012, and Policy DM01 of Barnet's Local Plan (Development Management Policies) 2012 which collectively require all development to be of high quality design and to respect the scale and mass of surrounding buildings.

Living conditions

7. The extension at ground floor level would extend beyond the rear building line of the neighbouring property at No 21 Alba Gardens. Due to the slight change in topography and the setting in of the extension from the side elevation along its length, I am satisfied that the proposal would not be harmful to the living conditions of the occupiers of No 21 Alba Road.
8. As such I find that the proposal would comply with Policy CS5 of the Core Strategy and Policy DM01 of the Development Management Policies which collectively seek to ensure development protects gardens of residential properties and that proposals are designed to allow for adequate daylight, sunlight and outlook for adjoining occupiers.

Conclusion and Conditions

9. I have found that the proposal would comply with the development plan when taken as a whole. There are no material considerations that lead me to conclude that a decision should be taken other than in accordance with the development plan. Accordingly, the appeal should succeed.
10. I have included a condition specifying the plans for certainty. I have applied a condition relating to materials to ensure that the development respects the character of the area.
11. I have not included a condition relating to privacy screens as I am not satisfied that the condition is necessary. I have not attached a condition requiring completion of the development as on the basis of the evidence I am not satisfied that the condition is enforceable or reasonable. Therefore, these conditions would not meet the relevant tests set out in the Planning Practice Guidance and National Planning Policy Framework.
12. For the reasons above and having regard to all other matters raised I conclude that the appeal is allowed.

J Ayres

INSPECTOR

SCHEDULE OF 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:
 - 2004. E 1 – Existing Ground Floor Plan
 - 2004. E 2 – Existing First Floor Plan
 - 2004. E 3 – Existing Loft Floor Plan
 - 2004. E 4 – Existing Elevations
 - 2004. E 5 – Existing Side Elevations
 - 2004. P 1 – Proposed Ground Floor Plan
 - 2004. P 2 – Proposed First Floor Plan
 - 2004. P 3 – Proposed Roof Plan
 - 2004. P 4 – Proposed Rear Elevation
 - 2004. P 5 – Proposed Side Elevation (No 25)
 - 2004. P 6 – Proposed Side Elevation (No 23)
 - 2004. P 7 – Proposed Site Plan;
- 3) The materials to be used in the external surfaces of the buildings shall match those used in the existing buildings.

END OF SCHEDULE