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# Appeal Decision

Site visit made on 17 May 2021

**by David Fitzsimon MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 June 2021**

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**Appeal Ref: APP/N5090/D/20/3265326**  
**101 Dollis Road, Church End, London N3 1RE**

- 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 Aghdaei against the decision of the Council of the London Borough of Barnet.
  - The application Ref 20/1969/RCU, dated 24 April 2020, was refused by notice dated 20 November 2020.
  - The development undertaken is a rear extension.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The extension was present at the time of my visit. This has no bearing on my decision which is based on the merits of the case.

## Main Issues

3. The main issues are the effect of the extension on the character and appearance of the host dwelling and the surrounding area, along with its effect on the living conditions of the occupiers of the neighbouring property, No. 99 Dollis Road.

## Reasons

### *Character and appearance*

4. The appeal relates to a large detached property which, I understand, has been converted to two dwellings. The extension which is the subject of this appeal is a contemporary structure with a flat roof containing an atrium. It appears to have been built to a high standard, with a good quality external finish.
  5. The Council explains that the extension is deeper and taller than the conservatory which was previously approved by a colleague Inspector in broadly the same position (Ref. APP/N5090/W/18/3194834). When considered cumulatively with previous additions, it would exceed the depth guideline set out in the Council's adopted Residential Design Guidance Supplementary Planning Document (SPD). However, in the context of what is a sizeable
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building, the extension as built does not appear disproportionate or over-sized. Furthermore, as the Council points out, it is not visible from Dollis Road.

6. For these reasons, I am satisfied that the extension does not harm the character and appearance of the host building or the surrounding area. In this respect, I find no conflict with policies CS1 and CS5 of the adopted Barnet Core Strategy (CS), policy DM01 of the adopted Barnet Development Management Policies Development Plan Document (DMP DPD) or the overall aims of the SPD; all of which promote high quality design that responds to its context.

#### *Living conditions*

7. As explained, the extension projects a considerable distance from the main rear elevation of the host building. The rear elevation of the adjacent dwelling, No. 99 Dollis Road, sits closer to Dollis Road than the rear elevation of the appeal property. As a result, the extension projects a significant distance beyond the rear elevation of No. 99, running alongside a large section of the side boundary of its rear garden, set just off the boundary itself.
8. Like the approved conservatory, the side elevation of the extension which runs close to and parallel with the boundary shared with No. 99 Dollis Road is a solid wall. Whilst the extension is not significantly deeper than the previously approved conservatory, the solid side wall is considerably taller. It is also much taller than the boundary treatment. The effect is unduly dominant when viewed from the rear garden of No. 99, exacerbated by this garden having a much lower ground level. In my view, the taller solid wall does have a materially greater impact on the outlook from the rear garden of No. 99 Dollis Road and the levels of natural light available to it at certain times of the day.
9. I consider the effect of the development undertaken to be materially and unacceptably more harmful than the effect of the previously approved scheme. In this respect, the development conflicts with policy CS5 of the CS, policy DM01 of the DPD and the SPG which seek to safeguard appropriate levels of residential amenity.

#### *Other matters*

10. The appellant argues that the proposal amounts to sustainable development. The National Planning Policy Framework explains that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. I have explained why the development is not good design. On this basis, it does not amount to sustainable development in the widest sense of the definition.

### **Overall Conclusions**

11. I conclude that although the design of the extension does not harm the character and appearance of the host dwelling or that of the surrounding area, it does have a harmful effect on the living conditions of the occupiers of No. 99 Dollis Road, contrary to the development plan policies and guidance outlined above. The arguments advanced by the appellant do not outweigh this harm and policy conflict therefore the appeal does not succeed.

*David Fitzsimon* INSPECTOR