
Appeal Decision

Site visit made on 6 July 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2021

Appeal Ref: APP/N5090/D/21/3272627

4 Wenlock Gardens, Hendon, London NW4 4XJ

- 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 Mrs Wen Zhang against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/0195/HSE, dated 13 January 2021, was refused by notice dated 12 March 2021.
 - The development proposed is single storey rear extension with a proposed depth of 4 metres from original rear wall, eaves height of 2.8 metres.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's appeal form has confirmed that the appeal is made in the name of Mrs Wen Zhang rather than Mr Shou Eng as stated on the original application form. This change has been confirmed in writing by the appellant and I have determined the appeal on this basis accordingly.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (i) the living conditions of the occupiers of the neighbouring properties at Nos. 3 and 5 Wenlock Gardens with particular regard to overshadowing and outlook; and
 - (ii) the character and appearance of the host property and the area.

Reasons

Living conditions of the occupiers of the neighbouring properties

4. The appeal property at No. 4 Wenlock Gardens (No. 4) is a two storey mid terrace dwelling with a detached outbuilding at the rear.
5. The proposal would entail the construction of a single storey extension with a pitched roof that would extend across the full width of the dwelling and project out by about 4m from the rear southern elevation of the property. The extension would be built along the common shared boundaries with Nos. 3 and 5 to the east and west of the site, respectively. It would be separated

from the ground floor living room windows, gardens and the patio areas at the rear of the adjacent properties by a high timber fence and some mature vegetation running between the properties.

6. The adjacent unextended properties at Nos. 3 and 5 currently have largely uninterrupted views from the rooms and patios areas at the rear over the open garden areas at the rear of the appeal site and some of the neighbouring properties, that are stepped down at a lower level due to the topography of the site and the surroundings, that provide space and light between the properties.
7. The appellant has submitted a sunlight and overshadowing assessment to examine the impact of the proposed development. The appellant indicates that the assessment shows that the proposed extension would have minimal impact on sunlight conditions for the neighbouring properties. The appellant outlines that the overshadowing to the nearest ground floor window to the rooms and gardens at the rear of Nos. 3 and 5 would be limited in the summer and the proposed rear extension would not worsen the existing conditions during the winter, due to the shadows created by the surrounding trees and buildings. However, whilst I accept that the assessment shows that the impact of the proposal would be limited at the dates specified, the assessment is limited in scope and is only for guidance.
8. Given the overall height and position of the proposed extension, separation distance between the properties, site levels and the orientation of the buildings together with the modest size of the nearest ground floor windows and the patio/sitting out areas at the rear of Nos. 3 and 5, I consider that the proposed rear extension would impact on the views and available light currently enjoyed by the occupiers of the neighbouring properties. The occupants of Nos. 3 and 5 would use the patio areas to carry out leisure and household activities when relaxing and sitting out, particularly during the summer months.
9. The proposed rear extension would introduce a dominant and enclosing structure that would restrict the outlook from the nearest ground floor window to the habitable rooms and the small patio areas immediately adjoining the rear of Nos. 3 and 5. It would also restrict the available light and create overshadowing at different parts of the day to the nearest ground floor habitable room windows and the patio areas at the rear of Nos. 3 and 5. I therefore consider that the proposal would result in a poor quality living environment and an unacceptable change in the living conditions for the occupiers of the neighbouring properties.
10. I have considered the appellant's statement that the scale and design of the proposed rear extension has been carefully considered and redesigned in order to minimise any impacts on the adjacent properties. Whilst the redesigned scheme and boundary treatment would assist in integrating the proposed extension with the host property, these aspects do not overcome the adverse effects outlined above.
11. Consequently, I conclude that the proposed single storey rear extension would result in an unacceptable impact on the living conditions of the occupiers of the neighbouring properties at Nos. 3 and 5 Wenlock Gardens with particular regard to overshadowing and outlook. It would be contrary to Policy DM01 of the Barnet's Development Management Policies Document

2012 (DMP), Policies CS1 and CS5 of the Barnet's Core Strategy 2012 (CS) and the Council's Residential Design Guidance Supplementary Planning Document 2016 (SPD). These policies and guidance, amongst other things, seek to ensure that development proposals provide the highest standards of design and allow for adequate light and outlook for adjoining and potential occupiers.

Character and appearance

12. The appeal property is a two storey mid terrace dwelling set back from the road behind a parking courtyard. It is located in a mature well-established residential area, with a mixture of two and three storey properties of varied character.
13. The Council's SPD states that extensions should be subordinate to and harmonise with the scale and architectural style of the original building and the character of the area, which is broadly in line with the National Planning Policy Framework and national policy guidance.
14. The appeal property is on a relatively narrow spacious plot and as such the extension would not appear overlarge, relative to the overall plot size. I observed on my site visit that a number of the properties within the adjacent terrace at Nos. 8, 9 and 10 Wenlock Gardens had single storey conservatory extensions projecting out from the rear of the buildings. The proposed rear extension would be seen in the context of the current varied architectural styles at the rear of the host property and the surrounding properties.
15. Against this backdrop, the scale, form and siting of the proposed rear extension would not look significantly out of place or excessive in relation to the built form of the host property and the surrounding properties. The overall scale and proportions of the rear extension together with use of matching materials and fenestrations would ensure the development would sit relatively unobtrusively against the two storey form of the host property. The proposal would therefore achieve an appropriate degree of subordination to the host property and as such would not detract from the architectural integrity of the host property and would limit any significant adverse impacts on the street scene.
16. Consequently, I conclude that the proposed rear extension would not have a harmful effect on the character and appearance of the host property and the area. It would be consistent with Policy DM01 of the DMP, Policies CS1 and CS5 of the CS and the SPD. These policies and guidance, amongst other things, seek to ensure that development is of a high standard of design that respects the local context in terms of appearance, scale and design of the development and responds to the overall character of the area.

Other Matters

17. I have noted the other developments in the area drawn to my attention by the appellant. However, the conservatory extensions at the rear of Nos. 8, 9 and 10 Wenlock Gardens have different development characteristics to the appeal scheme. The various single storey extensions to the properties at Nos. 11 and 12 Rickard Close and No. 28 Heton Gardens relate to a different scale and form of development with different locational characteristics. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of

the full circumstances associated with these other cases. I therefore accord them limited weight as precedents in this case.

18. I have considered the appellant's arguments regarding the extensions that can be built on a dwellinghouse under General Permitted Development Rights. Whilst this may be so, this does not set a precedent for such an inappropriate development in this location for the reasons set out above.
19. I have considered the appellant's arguments that the design and layout of the proposed extension is required due to the narrow plot width and to meet the requirements in the relevant parts of Building Regulations. However, Planning legislation requires that the proposal is considered against the policies contained in the development plan. As the requirements are administered and enforced by legislation other than planning, this is a matter to which I can attach only limited weight in making this decision.
20. I have noted the issues raised by the appellant regarding the way in which the application was processed by the Council. However, these are a material consideration to which I can attach only limited weight in making this decision.
21. The appellant considers the proposal would constitute a sustainable form of development in line with the requirements of the Framework. I have considered the various benefits put forward by the appellant that the proposal would bring including the scheme's high quality design and providing additional accommodation to meet the needs of the appellant's family. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

22. Notwithstanding my findings on the lack of significant harm to the character and appearance of the host property and the area, this is significantly outweighed by the harm found regarding the living conditions of the occupiers of the neighbouring properties. The proposal would conflict with the development plan taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR