



Appeal Decision

Site visit made on 12 October 2021

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/N5090/D/21/3279374

23 Uphill Grove, Mill Hill, London, NW7 4NH

- 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 Steve Williams against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/2317/HSE, dated 23 April 2021, was refused by notice dated 21 June 2021.
 - The development proposed is described as a rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension at 23 Uphill Grove, Mill Hill, London, NW7 4NH in accordance with the terms of the application, Ref 21/2317/HSE, dated 23 April 2021 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: 23UG21/01, 23UG21/02, 23UG21/03, 23UG21/04 and 23UG21/05.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the host dwelling and the wider area. The second main issue is the effect of the proposal on the living conditions of the occupiers of 25 Uphill Grove (No.25) with particular regard to visual impact, daylight, sunlight and privacy.

Reasons

Character and appearance

3. Uphill Grove is characterised by detached family dwellings with generous sized rear gardens, which are enclosed by a combination of fences, trees and shrubs. In the vicinity of the appeal site the rear gardens of the dwellings slope down to the southwest and the dwellings step down slightly to the south. A high proportion of the dwellings have rear extensions of various depths and heights,

which are raised above the rear ground level which falls away to the rear. These features, together with the domestic out buildings contribute to the diverse character and appearance of the rear garden environment.

4. There is a full width, flat roofed single storey extension at the rear of the appeal dwelling. It is elevated above the ground level of the rear garden to reflect the ground floor level of the dwelling and a raised terrace projects beyond the extension. This extension is modest in form and appearance and respects the character and appearance of the host dwelling and the rear garden environment.
5. Amongst other things policy CS5 of the Barnet's Local Plan (Core Strategy) 2012 (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) (DMP), and Barnet's Residential Design Guide 2016 (SPD), seek to ensure that new development preserves or enhances local characteristics. Also, that development should be designed to allow for adequate daylight, sunlight, privacy and outlook for the occupiers of adjoining properties.
6. The proposed conservatory would adjoin the existing extension and would be sited within the rear terrace area. As a consequence, its ridge height would project up to 3.8 metres in height above the ground level immediately beyond the rear terrace. The proposed conservatory would project beyond the rear wall of the original dwelling by some 6.56 metres. It is noted that the SPD states that a four metre deep extension to a detached dwelling is normally acceptable, however, it does not preclude deeper extensions. It also advises that rear extensions should not look too bulky and prominent compared the size of the main dwelling and garden.
7. The proposed conservatory would sit within the upper part of the garden where the dwelling itself is elevated and the side boundary fences are particularly high. In itself the conservatory would be modest in size and it would be visually lightweight. It would have a fully hipped glazed roof which would be lower than the existing extension and would be less than half the width of the existing dwelling. The conservatory would respect the strong horizontal lines of the host dwelling and would appear subservient to the host dwelling. Further, its design and appearance would not be out of keeping within this varied rear garden environment. Both on its own and together with the existing rear extension the proposed conservatory would not look bulky or prominent in relation to the host dwelling or its rear garden.
8. I conclude on the first main issue that the proposed extension would respect the host dwelling and would preserve the character and appearance of the wider area. In these respects, it would comply with CS Policy CS5, DMP Policy DM01 and the objectives of the SPD.

Living conditions

9. The dwelling at No.25 sits at a slightly higher level to the appeal dwelling and has a raised terrace to the rear of it. There is a tall fence between the two rear terraces which would screen much of the proposed conservatory from the rear ground floor rooms and garden at No.25. Were it could be seen it would be clear glazed and visually lightweight, with an eaves height of just 2.2 metres above the raised rear terrace. The conservatory roof would be hipped away from the boundary with No.25 and hipped in from the rear garden.

10. As a result of these factors and notwithstanding its overall projection into the rear garden, the proposed conservatory would not be visually overbearing or result in a strong sense of enclosure for the occupiers of No.25. There would be no material loss of privacy for the occupiers of No.25, due to the height of the existing boundary fence. Similarly, any loss of daylight and sunlight would be minimal. The occupiers of No25 would continue to benefit from an open, south-westerly outlook over their spacious rear garden and from good levels of daylight and sunlight.
11. I conclude on the second main issue that the occupiers of No.25 would continue to benefit from an open outlook and good levels of privacy, daylight and sunlight. It would therefore comply with CS Policy CS5, DMP Policy DM01 and the objectives of the SPD.

Conditions

12. The Council has suggested the imposition of conditions relating to matching materials and adherence to the submitted drawings. I agree that these conditions are both necessary to ensure the development respects the host dwelling and in the interests of certainty.

Conclusion

13. Having regard to the conclusions on both main issues the appeal is allowed.

Elizabeth Lawrence

INSPECTOR