



Appeal Decision

Site Visit made on 18 October 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2021

Appeal Ref: APP/N5090/D/21/3275238

18 Rushdene Avenue, BARNET EN4 8EW

- 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 Bhakti Depala against the decision of London Borough of Barnet.
 - The application Ref 21/0330/HSE, dated 21 January 2021, was refused by notice dated 30 April 2021.
 - The development proposed is a single storey rear extension following the demolition of the existing rear garage.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension following the demolition of the existing rear garage at 18 Rushdene Avenue, BARNET EN4 8EW in accordance with the terms of the application, Ref 21/0330/HSE, dated 21 January 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 18RA-1A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Applications for costs

2. An application for costs was made by Mrs Bhakti against the London Borough of Barnet. This application is the subject of a separate Decision.

Preliminary Matters

3. Prior Approval¹ (PA) was given for a six metre deep rear extension last year. A Lawful Development Certificate (LDC) was later issued² for a single storey rear extension and roof extension. On my visit I noted that the agreed works have

¹ Lawful Development Certificate Reference: 20/5836/PNH

² Planning Application Reference: 21/0127/192

been completed to a watertight part rendered finish. There is no evidence before me to suggest that the structure 'as built' varies from that which was the subject of the above applications. The approved scheme is materially similar to the current proposal apart from an element that would replace an existing garage. The approved development is a material consideration of substantial weight within this appeal.

4. Also, 20 Rushdene Avenue (No 20) is subject to Prior Approval for a large rear extension, but this has not yet been implemented and as such garners limited weight in my consideration of the merits of the appeal.

Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of the host dwelling and surrounding area, and
- The effect of the proposed extension on the living conditions of occupiers of No 20, especially with respect to daylight, access to sunlight, outlook and privacy.

Reasons

Character and appearance

6. Rushdene Avenue is a residential street with a range of house types, including semi-detached housing and bungalows. The housing local to the appeal site overlooks a central green space. The local topography is steeply graded with the appeal dwelling and its neighbouring bungalows raised above the green. The rear elevations of several adjacent dwellings have been extended introducing relatively substantial additions over two floors. The host dormer bungalow, similar to its extended neighbours, retains its single-storey character from the street. Consequently, the dwelling makes a complementary and positive contribution to the character and appearance of the area.
7. The Council's Residential Design Guidance limits the depth of rear extensions for semi-detached dwellings to 3.5 metres. The proposed extension would exceed this, having a total projection of around nine metres. However, the existing extension and the effect of the existing garage are material considerations in this appeal.
8. The volume of the proposed extension already largely exists as a combination of the recently completed extension and the existing garage. The additional development would be connected to the rear of the completed extension. It would therefore result in limited further built volume. Consequently, whilst the combined development would be substantially larger than the original dwelling, the proposed addition would result in a minimal increase in its existing volume. Moreover, the roof of the combined development would not be evident from the street or neighbouring gardens, limiting the wider effect of this element.
9. The proposal would therefore be a proportionate and sympathetic addition to the dwelling that would complement its existing form. Furthermore, it would be in character with the scale and design of locally extended dwellings.
10. Consequently, the proposed extension would complement the character and appearance of the host dwelling and surrounding area. The proposal would not

fully accord with the Council's Residential Design Guidance (2016). However, this conflict would be of modest weight having taken into account the effect of the approved scheme, the garage and the broader objectives of the Guidance. Accordingly, the proposal would comply with policy DM01 of the Barnet Local Plan - Development Management Policies DPD (2012)(LP) and policy CS5 of the Barnet Core Strategy (2012)(CS) with respect to character and appearance. These policies, among other matters, seek development that respects the appearance, scale and pattern of surrounding buildings and to create places of high-quality design.

Living conditions

11. The side of the existing extension forms the boundary wall to No 20. The wall is high and prominent from the rear garden of the neighbouring dwelling and within its outlook. However, the PA extension has been completed. This appears to be in accordance with the issued LDC and has a similar effect on No 20 as the proposal. The part of the proposed extension, that projects beyond the existing building, would be a substantial distance from the shared boundary. It would also be largely obscured from views from the garden of No 20, being beyond the existing extension. As the proposal would replace the existing garage, the overall effect of the proposal on neighbouring occupiers would be minimal.
12. Consequently, the effect of the proposal on the living conditions of occupiers of No 20, with respect to daylight, access to sunlight, outlook and privacy, would be negligible. The proposed extension would therefore comply with policy DM01 of the LP and the Council's Residential Design Guidance. These policies, inter alia, seek development to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. However, policies CS1 and CS5 of the CS relate to the Council's place shaping strategy and to protect and enhance an area's character. They are silent with respect to living conditions and are therefore not relevant to this issue.

Conditions

13. I have applied the standard conditions advised within the National Planning Practice Guidance. I have also imposed a condition for materials to match the existing building to accord with the character and appearance of the dwelling.
14. The Council has suggested two further conditions. The first, in relation to the flat roof, would be necessary to prevent its use as a terrace as this would harm the privacy of neighbouring occupiers. The proposal is single storey and would gain limited overlooking opportunities due to the context and topography of the site. Therefore, Council's second suggested condition with respect to new doors and windows, would not be necessary.

Conclusion

15. Despite having found some modest conflict with the Council Guidelines the scheme would nevertheless accord with the development plan as a whole. For the reasons given above, the appeal should be allowed.

B Plenty

INSPECTOR