



Appeal Decision

Site visit made on 26 October 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 11 NOVEMBER 2021

Appeal Ref: APP/N5090/D/21/3277274

45 The Ridgeway, Golders Green, London NW11 8QP

- 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 C Wolfish against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/1543/HSE, dated 19 March 2021, was refused by notice dated 14 May 2021.
 - The development proposed is the erection of a rear ground floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a rear ground floor extension at 45 The Ridgeway, Golders Green, London NW11 8QP in accordance with the terms of the application, Ref 21/1543/HSE, dated 19 March 2021, subject to the conditions set out in the attached schedule.

Application for costs

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

Preliminary matters

3. Planning permission¹ was granted at the appeal site in 2019 for an approximately 3 metre high L-shaped rear extension with depths of 5 metres parallel to the boundary with No 43 and 3.5 metres on the boundary of No 47. It would extend across the full, 8 metre width of the rear of the house.
4. It was subsequently confirmed in 2020 that prior approval was not required² for a rear extension of similar height, but 4.9 metres depth and 4 metres width adjacent to the boundary with No 47. I observed that the side wall and front corner adjacent to No 47 have already been constructed in a manner that appears to be consistent with this permitted development.
5. However, I observed that foundations had been laid across the entire width of the rear elevation of the house to a depth of approximately 4.9 metres, which does not comply with either the extant permission or the permitted development. It is, however, consistent with the proposal before me, which is for a full width extension of a uniform 4.9 metres depth. I conclude that the

¹ 18/7360/HSE (February 2019)

² 20/6302/PNH (February 2020)

appeal development has commenced and am therefore considering the appeal on the basis that it is partly retrospective.

Main issue

6. The main issue is the effect of the proposal on the living conditions of the occupants of No 47 The Ridgeway, with particular reference to outlook and daylight.

Reasons

7. The host building and No 47 together form a large, semi-detached pair of houses on an estate of similar properties. The gardens are separated by a high, wooden fence and occasional planting. Neither house has been extended to the rear, which I observed was unusual for the surrounding area. No 43, on the other side of No 45, has a full width, single storey rear extension, which runs along the boundary with the appeal site for approximately 5 metres.
8. The recent, partly constructed wall runs perpendicular to the living room window of No 47. This window is the full height of the ground floor, is curved in shape and incorporates French doors. Given the size and configuration of the window, the change in outlook caused by the new wall is minimal when compared to the existing intervening wooden fence. In addition, the rear elevation of the properties faces north east and any loss of morning sun inside No 47 caused by the new wall is also negligible in the context of the existing fence.
9. I acknowledge that the structure would be deeper than the 3.5 metre guideline in the Residential Design Guide³ (2016) (RDG). However, the stated reason for this is to prevent a significant sense of enclosure, or loss of outlook or light from principal windows of neighbouring properties. For the reasons above, I am satisfied that there would not be harm on these grounds.
10. The rear garden of No 47 is wide, long and private. There is therefore plenty of scope to experience the garden away from the extension. In addition, there is no dedicated patio or seating near the rear of the house and an area in which activity could be focused would therefore not be significantly affected. For these reasons, I do not find that the extension would be overbearing when viewed from the garden, nor would it create a harmful sense of enclosure and an acceptable level of outlook would be maintained.
11. For the reasons above, I do not find that there would be conflict with Policy CS5 of the Local Plan Core Strategy (September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (2012), which require that high quality design allows adequate daylight and outlook for adjoining occupiers and users.
12. Given the extent of the building work to date, in addition to a clear statement of intent from the appellant, I am satisfied that there is a strong possibility the prior approval development would be completed. Crucially, this means that an identical wall adjacent to No 47 to that currently proposed is highly likely to be retained in the absence of a new permission. Notwithstanding that I have not found harm from the proposal, this is a fallback position of significant weight.

³ Supplementary Planning Document: Residential Design Guidance (October 2016)

Conditions

13. The Council has recommended 5 conditions. I have imposed most of these, with slight amendments to the wording in the interests of precision and clarity, and to comply with advice in the Planning Practice Guidance.
14. A commencement condition is unnecessary because the evidence indicates that the development has already begun. A condition to secure accordance with the approved plans is required in the interests of enforceability.
15. I have also imposed condition 2 to ensure that the appearance of the building is preserved. Condition 3 is necessary to prevent overlooking of neighbours from regular access to the roof. Given the proximity of the development to the boundaries of the property, it is also necessary to impose a condition to prevent the future insertion of windows in the side elevations of the extension without details being first submitted to the local planning authority. This is to ensure that there is control over any potential unacceptable overlooking of neighbours and loss of privacy.

Conclusion

16. The depth of the extension would exceed the guidelines in the RDG. However, in the circumstances of the case, the proposal would not cause harm to the living conditions of the occupants of No 47 through loss of outlook or daylight. In addition, the wall adjacent to No 47 is highly likely to be retained as permitted development and this is a strong fallback position. The development would not conflict with local policies and there are no other material considerations that indicate a determination other than in accordance with the development plan. I conclude that the appeal should be allowed.

B Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the approved plans:
 - TR.45.LP.Rev A (location plan) 24 December 2020
 - TR.45.EX.21 (existing floor plan) 18 March 2021
 - TR.45.EX.22 (existing elevation plan) 18 March 2021
 - TR.45.PR.21 (proposed floor plan) 18 March 2021
 - TR.45.PR.22 (proposed elevation plan) 18 March 2021
- 2) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) 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.
- 4) Notwithstanding the provisions of the Town and Country Planning Act 1990 (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the extension hereby approved unless details have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.