The Planning Inspectorate

Appeal Decision

Site visit made on 23 November 2021

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/N5090/D/21/3281297
24 Downhurst Avenue, Mill Hill, London NW7 3QA

- 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 Joanne Naji against the decision of the Council of the London Borough of Barnet.
- The application Ref 21/1911/HSE, dated 6 January 2021, was refused by notice dated 24 June 2021.
- The development proposed is a single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at 24 Downhurst Avenue, Mill Hill, London NW7 3QA, in accordance with the terms of the application, Ref 21/1911/HSE, dated 6 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

    3) The development hereby permitted shall be carried out in accordance with the following approved plans: 24DA/P01, P02, P03, P04 and P05.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 23 Downhurst Avenue, with particular regard to outlook and overbearing impact.

Reasons

3. The existing single storey flat-roofed rear extension at the appeal site projects approximately 3 metres along the common boundary with No 23. The appeal proposal would extend this by about a further 1.8 metres.

4. The rear of the appeal site faces north, so little sun shines into the rear gardens of Nos 23 or 24, in the area closest to the houses. The extension would not therefore cause any material impact on the amount of sunlight received in No 23's rear facing rooms or rear garden.

5. The additional depth of the extension would add to the bulk of the extension when viewed from No 23. No 23's rear garden is largely open, but with vegetation growing along the boundary with the appeal site. The proposed extension would have some impact on No 23, by being a little more overbearing than the existing extension and adding additional built form into the outlook from that property. However, its limited height (being flat-roofed) and the fact that No 23 benefits from a deep rear garden means that the additional impact caused by the appeal proposal would not be unacceptable.

6. The Council adopted a Supplementary Planning Document (SPD) entitled "Residential Design Guidance" in 2016. This provides detailed guidance in respect of, amongst other things, extensions to properties. Amongst this guidance is advice that the depth of a single storey rear extension normally considered acceptable for semi-detached properties is 3.5 metres. It also says that the depth and/or height of the extension should not cause "*a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties*".

7. Whilst there would be some effect on the occupiers of No 23 from the proposed extension, in relation to an increased sense of enclosure, and a loss of outlook from habitable rooms in its rear elevation, this would not be "*significant*". In the circumstances, the fact that the proposal would result in an extension that would be 1.3 metres deeper than recommended in the SPD would not result in any unacceptable impacts, and is therefore acceptable.

8. I conclude that the proposal would not have an unacceptably adverse effect on the living conditions of the occupiers of 23 Downhurst Avenue, and would comply with Policy CS5 of the LB Barnet: Core Strategy (2012), Policy DM01 of the LB Barnet: Development Management Policies DPD (2012), and advice contained within the Residential Design Guidance SPD (2016). These policies seek, amongst other things, development that optimises site capacity, respects local context and distinctive local character, that allows for adequate daylight, sunlight, privacy and outlook for adjoining occupiers, and that protects and enhances the gardens of residential properties.

Conditions

9. As well as standard conditions relating to when the development should commence and compliance with the approved plans, a condition requiring the external materials used to match the existing building is necessary, to protect the character and appearance of the area.

Conclusion

10. For the reasons set out above, I conclude that the appeal should be allowed, subject to the conditions set out above.

Michael J Muston

INSPECTOR