



Appeal Decision

Site visit made on 18 November 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/N5090/W/21/3277595

49 Goldsmith Avenue, London NW9 7HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Cozma Hrisca against London Borough of Barnet.
 - The application Ref 21/1487/HSE, is dated 16 March 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 49 Goldsmith Avenue, London NW9 7HD in accordance with the terms of the application, Ref 21/1487/HSE, dated 16 March 2021, 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 plan: Proposed Drawings - Drawing Number PL-PR-001.
 - 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 area.

Preliminary Matters

2. I observed on my site visit that the development that had taken place was not the exact same as shown on the submitted plan, drawing number PL-PR-001. The submitted plan shows the highest part of the extension terminating well below the bottom of the first-floor windows, whereas the highest part of the extension built on site terminates directly beneath the bottom of the first-floor windows. I have considered the appeal on the basis of the submitted plans.
3. The Council have commented that had they determined the application they would have refused planning permission for the development as they consider that the extension would cause harm to the character of the site, the

surrounding area, as well as to neighbouring amenity at no. 47 Goldsmith Avenue.

Main Issues

4. The main issues therefore are the effect of the development on 1) the character and appearance of the host property and surrounding area, and 2) the living conditions of the occupants of 47 Goldsmith Avenue with regard to light and outlook.

Reasons

Character and appearance

5. The appeal property is a two-storey terraced residential property with roof level accommodation. It is situated in a terrace of four properties in a predominantly residential area where many of the surrounding properties have been extended or altered. Most pertinently, the adjoining property at 51 Goldsmith Avenue has an existing rear extension, very similar to the development subject to the appeal, with a similarly sized extension at 45 Goldsmith Avenue.
6. Due to its siting at the rear of the property, the development would not be visible from the frontage of the property or that part of the street-scene. It would be visible above the existing boundary treatments when viewed from Reets Farm Close that runs to the rear of the site, and from Goldsmith Avenue where the street turns almost 90 degrees and there is an opening for Reets Farm Close.
7. These views would primarily be of the roof of the extension where it would also be viewed in conjunction with the similar extensions to nos. 51 and 45 and outbuildings to the rear of no. 41. In this context, due to its overall design and scale, the extension would not appear dominant or out of character, despite conflicting with the Residential Design Guidance SPD which outlines that single storey rear extensions should normally be limited to a 3m projection.
8. The extension would therefore not cause unacceptable harm to the character and appearance of the host property or the surrounding area. It would comply with Policy CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document (2012) and Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012). These policies seek to ensure, amongst other things, that development is of a high quality and standard of design.

Living conditions

9. The proposed extension projects for 6m along the common boundary with no. 47 Goldsmith Avenue. The submitted plans show the extension as measuring 2.96m in height where it abuts the host property, dropping to 2.6m in height at its lowest point. The grounds of appeal states that there was previously a 2m high fence separating the two properties, and I also note from the existing plans that there was previously a rear extension at the property, albeit a smaller structure set in from the common boundary.
10. When having regard to the former boundary treatment that is referred to, the extension would not be significantly greater in height, with its overall height reducing as it projects from the rear of the property. The use of lightly coloured

bricks to match those of the existing dwelling, would also contribute to reducing any dominance or overbearingness. Pertinently, I also observed on my site visit that no. 47 Goldsmith Avenue sits on a slightly higher level than the appeal property and that the existing outlook from the closest window of no. 47 Goldsmith Avenue to the appeal property, is heavily obscured by existing landscape features.

11. Due to the scale and siting of the extension, and its orientation, there would be a small reduction in the levels of light to no. 47 Goldsmith Avenue, however this would be for a relatively small timeframe and not be of an unacceptable magnitude.
12. Therefore, despite conflicting with the Residential Design Guidance SPD which outlines that single storey rear extensions should normally be limited to a 3m projection, the proposed extension would not have an unacceptable impact on the living conditions of the occupants of 47 Goldsmith Avenue with regard to light and outlook. It would comply with Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012) which seeks to ensure that development proposals allow for adequate daylight, sunlight and outlook for adjoining occupiers.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plan for the avoidance of doubt and in the interests of certainty.
14. It is necessary to impose a planning condition requiring the use of matching materials. This is in the interests of the character and appearance of the host property and surrounding area.
15. In the interests of living conditions, I have imposed a planning condition requiring that the roof of the extension 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.

Conclusion

16. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should succeed.

A M Nilsson

INSPECTOR