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## Appeal Decision

Site visit made on 26 November 2021

**by S Poole BA(Hons) DipArch MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>TH</sup> December 2021**

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**Appeal Ref: APP/N5090/D/21/3285781**

**43 Eton Avenue, Barnet EN4 8TY**

- 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 Ms Lisa Marie Over against the decision of the Council of the London Borough of Barnet.
  - The application Ref 21/3838/HSE, dated 10 July 2021, was refused by notice dated 24 September 2021.
  - The development proposed is the erection of a first-floor extension to convert an existing bungalow into a two-storey dwelling.
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### Decision

1. The appeal is allowed and planning permission granted for the erection of a first-floor extension to convert an existing bungalow into a two-storey dwelling at 43 Eton Avenue, Barnet EN4 8TY in accordance with the terms of the application, Ref 21/3838/HSE, dated 10 July 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 plans: LBA 3253 - 01/LB; LBA 3253 - 02/LB Rev B; LBA 3253 - 03/LB; LBA 3253 - 04/LB Rev B; LBA 3253 - 05/LB Rev B; LBA 3253 - 06/LB Rev B; LBA 3253 - 07/LB Rev B.
  - 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.

### Main Issues

2. The main issues are the effects of the proposal on:
  - (i) the living conditions of the occupiers of neighbouring properties, with particular regard to privacy; and
  - (ii) the character and appearance of the host property and the surrounding area.

## **Reasons**

### *Living conditions*

3. The appeal property is a detached bungalow. It faces Eton Avenue and is bounded to the sides and rear by an electricity substation, the rear garden of 1 Windsor Drive and a back lane that provides access to garages at the rear of the terraces of houses facing Ridgeway Avenue.
4. The proposal would involve the erection of an additional floor above the main part of the property. This would provide two bedrooms facing the street and a further bedroom and a bathroom at the rear. The main windows serving these rear-facing rooms would be obscure glazed and non-opening up to 1.7m above floor level. This would prevent views towards the back lane, the rear parts of the gardens to either side of it, and the rear windows serving the houses in Ridgeway.
5. The rear bedroom would also include a small side-facing window that would allow views towards the rear gardens and rear elevations of houses in Ridgeway Avenue. However, the rear parts of the gardens are occupied by outbuildings and the main amenity areas and rear windows serving these properties are a good distance from the bedroom window. In addition, I note that the bedroom window's limited size and positioning in the corner of the room would mean that views out would only be achievable from a limited proportion of the bedroom. For these reasons I am satisfied that the proposal would not result in unacceptable levels of overlooking of neighbouring properties.
6. The Windsor Drive and Ridgeway Avenue properties benefit from relatively long gardens and the spacing between the rear elevations of the houses is generous. As a consequence, the properties benefit from good access to natural light and ample outlook. Whilst the proposal would have some impact in these respects, I am satisfied that adequate natural light to, and outlook from, neighbouring properties would be maintained with the proposed development in place.
7. For these reasons I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of surrounding properties. It therefore accords with Policy CS5 of the Barnet Core Strategy (2012) (CS), Policy DM01 of the Development Management Policies DPD (2012) (DMP) and the Barnet Residential Design Guidance SPD (2016). Amongst other matters these policies and guidance aim to ensure that development is designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

### *Character and appearance*

8. Eton Avenue, Windsor Drive and Ridgeway Avenue comprise rows of 2-storey terraced housing. In this context the appeal property is somewhat of an anomaly and its contribution to the character and appearance of the street scene is limited.
9. The proposal would result in the formation of a predominately 2-storey house with single-storey wings to the sides. Whilst it would be wider than neighbouring houses and would not directly reflect their form, it would be no taller than neighbouring houses and would not therefore be particularly

prominent in the street scene. I note that the appeal property occupies a small plot and has limited amenity space. However, as the proposal does not include any increase in the footprint there is limited harm in this respect.

10. For the reasons set out above I am satisfied that the proposal would not result in unacceptable harm to the character and appearance of the host property or the surrounding area. It therefore accords with CS Policies CS NPPF, CS1 and CS5, DMP Policy DM01, and guidance contained in the SPD. These policies and guidance seek to ensure that, amongst other matters, new development is well designed, respects the appearance, scale, and mass of surrounding buildings, and responds to the existing character of an area.

### **Conditions**

11. In addition to the standard time limit condition, I consider a materials condition is required to safeguard the character and appearance of the area. Furthermore, for the avoidance of doubt and in the interests of proper planning, a condition requiring the approved development to be carried out in accordance with the approved drawings is imposed.

### **Conclusion**

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*S Poole*

INSPECTOR