



Appeal Decision

Site visit made on 23 November 2021 by Thomas Courtney BA(Hons) MA

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2022

Appeal Ref: APP/N5090/D/21/3280495

28 Friern Barnet Lane, Friern Barnet, London, N11 3LX

- 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 Madhu Gulrajani against the decision of the London Borough of Barnet Council.
 - The application Ref 21/2371/HSE, dated 26 April 2021, was refused by notice dated 22 June 2021.
 - The development proposed is a first-floor rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. In the interest of accuracy, the description of development in the header above is based on the decision notice.

Main Issues

4. The main issue is the effect of the development on the living conditions of the neighbouring occupiers of No.30 Friern Barnet Lane, with particular regard to outlook.

Reasons for the Recommendation

5. The appeal site comprises a semi-detached property which features an existing dormer roof extension and single-storey rear extension. The neighbouring property at No.30 Friern Barnet Lane lies on lower ground as compared to the appeal dwelling. In light of the difference in ground levels, the proposed first-floor rear extension would appear as a tall and imposing structure. Indeed, its pitched double storey height and position close to the common boundary means it would dominate the rear patio area of No.30. The proposal would therefore be perceived as excessively overbearing by the neighbouring occupants and would constitute a visually obtrusive addition.
 6. I acknowledge there are similar first-floor rear extensions in the vicinity. I do not have all the details of these cases however I note that there is a greater
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separation distance between the extension at No.18 Friern Barnet Lane and its neighbouring property at No.20 when compared to the separation distance between the proposal and No.30. Furthermore, the extension at No.34 is set away from the common boundary with No.36 therefore avoiding an overbearing effect and adversely impacting the living conditions of the neighbouring occupiers. These extensions are thus not comparable to the scheme before me and have not weighed in its favour.

7. The appellant has referred me to an application¹ which was granted planning permission. I do not have the details of this to make a comparison with the appeal proposal and it has therefore had no bearing on my consideration of this case. An absence of objection from nearby neighbours is a neutral factor which neither weighs for or against the proposal.
8. Given the above, the proposal would have a negative effect on the living conditions of the neighbouring occupiers of No.30 Friern Barnet Lane, with particular regard to the harm that would be caused to their outlook. It would therefore conflict with the aims of Policies CS1 and CS5 of Barnet Council's Local Plan Core Strategy, Policy DM01 of the Development Management Policies Development Plan Document which together require developments to respect their context and ensure adequate outlook for adjoining occupiers. I have also had regard to the 'Residential Design Guidance' Supplementary Planning Documents which seeks the same. It would also conflict with the National Planning Policy Framework which seeks to ensure proposals deliver a high standard of amenity.

Recommendation

9. For the reasons given above and having had regard to all other matters raised, the proposal conflicts with the development plan taken as a whole and there are no material considerations which indicate a decision other than in accordance with it. I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. The appeal is dismissed.

RC Kirby

INSPECTOR

¹ Ref 18/2478/HSE