



Appeal Decision

Site visit made on 1 February 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2022

Appeal Ref: APP/N5090/D/21/3289194

47 St James Avenue, Whetstone, London, N20 0JS

- 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 J Joannides against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/2979/HSE, dated 27 May 2021, was refused by notice dated 29 September 2021.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension at 47 St James Avenue, Whetstone, London, N20 0JS in accordance with the terms of the application Ref 21/2979/HSE, dated 27 May 2021 and in accordance with 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 building;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: Existing and Proposed Elevations and Layouts Drawing char/plan/15.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of No 45 St James Avenue, with regards to outlook and daylight.

Reasons

3. The appeal property is a two storey semi-detached dwelling which has been extended at ground floor level to the side and rear. It is located within a residential area, largely characterised by the presence of two storey semi-detached and occasionally terraced and detached houses.
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4. Dwellings are set back from the street behind front gardens and/or parking areas and have longer gardens to the rear. The presence of grass verges, street trees and gardens provide for a green and spacious character.
5. During my site visit, I observed that many dwellings have been altered and/or extended and that such changes vary widely, including alterations and/or extensions to the front, side and rear of dwellings, at ground, first floor and roof level. Such changes generally appear in keeping with the area's green and spacious surroundings.
6. The Council is satisfied that the proposed development would have an acceptable impact on local character and states that the proposal would be "well set down from the ridge and back from the front elevation."
7. The proposal would extend the appeal property to the side above the existing single storey extension. As such, it would only extend the first floor a short distance to the side. Whilst the Council states that the proposal would be sited to the west of No 45 St James Avenue and would cast a shadow in the direction of that property, the proposed development would actually be located to the north east of No 45 and notably, a fall in height between the two dwellings means that the appeal property sits lower than No 45.
8. The proposal would be sited slightly forward of No 45's nearest bedroom window, but the modest size of the extension would mean that a notable gap would remain at first floor level between the two dwellings. Given this and the fact that the front elevations of Nos 45 and 47 are largely south-facing, I find that the modest size of the development proposed and the lower siting of No 47 would result in an extension that would not result in any discernible harm in respect of the outlook from, or the amount of daylight received by, any of the front-facing windows of No 45.
9. Whilst the Council's officer's report goes on to suggest that the proposed development would appear dominant, overbearing, visually intrusive and would result in overshadowing when viewed from No 45's rear windows, from observation it is apparent that the fall in height from No 45 to No 47, combined with the tall boundary fence to the rear of both dwellings and the presence of trees and planting, would result in an addition that would be barely discernible from No 47's rear windows.
10. There would be glimpses of the side of the development proposed, but these would be of a modest addition seen from an oblique angle and consequently, there would be no significant harm to the outlook from the rear of No 45.
11. Further to the above, given amongst other things, that No 47 is located directly to the east of No 45 and that it sits lower than that property, I am satisfied that there would be no discernible impact arising in respect of the amount of daylight received by No 47's rear windows. There is no substantive evidence before me to lead me to a contrary conclusion.
12. Taking all of the above into account, I find that the proposed development would not harm the living conditions of the occupiers of No 45 St James Avenue, with regards to outlook and daylight and would not be contrary to the National Planning Policy Framework; to Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (2012); to Policy DM01 of Barnet's Adopted Development

Management Policies Development Plan Document (2012); or to the Council's Adopted Residential Design Guidance Supplementary Planning Document (2016), which together amongst other things, protect residential amenity.

Conditions

13.I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition controlling external surfaces is necessary in the interests of local character.

Conclusion

14.For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR