



Appeal Decision

Site visit made on 7 February 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2022

Appeal Ref: APP/N5090/W/21/3282851

Flat 1, 31 Beresford Avenue, Barnet, London N20 0AD

- 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 Farahnaz Keyhani against the decision of London Borough of Barnet.
 - The application Ref 21/1036/FUL, dated 12 March 2021, was refused by notice dated 7 May 2021.
 - The development proposed is single storey ground floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey ground floor rear extension at Flat 1, 31 Beresford Avenue, Barnet, London N20 0AD in accordance with the terms of the application, Ref 21/1036/FUL, dated 12 March 2021, subject to the conditions set out at the end of this decision.

Preliminary Matter

2. It has been brought to my attention that a draft Local Plan is emerging. However, this is at an early stage and currently attracts limited weight. I shall determine the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect upon the character and appearance of the host property and its surrounding area; and
 - The effect upon the living conditions of neighbouring residential occupiers at No 29 Beresford Avenue (No 29), having particular regard to outlook.

Reasons

Character and appearance

4. The appeal property is a ground floor flat that makes up part of a linear row of residential development (the row) that is, for the most part, comprised of two-storey terraced dwellings. Properties tend to be served by consistently laid out private rear garden spaces of generous length, whilst various existing extensions of differing designs are observable to the rear of the row. These include a conservatory of considerable depth that neighbours the site to the south.

5. A ground floor extension is already in place to the rear of the property. The proposal entails a further built addition to the rear that would cover the site's full width and have a consistent rear building line. A flat-roofed design to complement existing is intended.
6. The Residential Design Guidance Supplementary Planning Document (October 2016) (the SPD) sets out that extensions to the rear of terraced properties shall normally be considered acceptable when measuring 3m in depth. The depth under consideration here, when considered in conjunction with the existing extension, would comfortably exceed 3m. Nevertheless, the SPD does not stipulate that proposals exceeding 3m should necessarily be refused. Instead, amongst other provisions, the SPD indicates that it needs to be ensured that single storey rear extensions do not look too bulky and prominent compared to the size of the main building and garden to which they relate.
7. Notwithstanding the depth of development proposed, the extension would appear as a low-level and subordinate addition to the host property. This is even when read in conjunction with existing built additions to the rear. The length of the rear garden is a further relevant factor. Moreover, a high proportion of the original garden space would remain clear of built development such that the intended works would not over-dominate the site.
8. When experienced in the context of various other additions to the rear of the row, I find that the proposal would have an acceptable effect upon the character and appearance of the host property and its surrounding area. The scheme satisfactorily accords with Policy D3 of the London Plan 2021, Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (September 2012) (the CS), Policy DM01 of Barnet's Local Plan Development Management Policies (September 2012) (the DMP) and the SPD in so far as these policies and guidance set out that proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Living conditions – No 29

9. No 29 is served by a single storey rear extension and an attached conservatory structure. The proposed extension would project beyond the rear building line of this neighbouring conservatory feature and thus immediately alongside a short stretch of No 29's rear garden space.
10. The proposal would influence available outlook from No 29, including from external areas. However, given the limited height and modest scale of the proposed extension, I do not find that this influence would equate to material harm or to an overbearing relationship. This is particularly when acknowledging the lengthy and spacious extent of No 29's rear garden, of which only a small proportion would be abutted by the intended extension. Moreover, an unacceptable sense of enclosure would not avail.
11. For the above reasons, having particular regard to outlook, the proposal would have an acceptable effect upon the living conditions of neighbouring residential occupiers at No 29. The scheme accords with Policy CS5 of the CS, Policy DM01 of the DMP and the SPD in so far as these policies and guidance set out that development proposals should be designed to allow for adequate outlook for adjoining occupiers and users.

Other Matters

12. Having inspected the site and its boundaries and given account to the site's orientation, I am content that the proposal would not lead to any undue loss of natural light for neighbouring occupiers. Indeed, a structure of limited single-storey height and flat-roofed design is proposed.
13. Adjacent fruit trees situated within the grounds of No 29 have been brought to my attention. However, owing to the scale of development under consideration, any resultant reduction in natural light or water to these trees would necessarily be limited and acceptable in planning terms.
14. The proposal is of small scale and would realistically be anticipated to be built out quickly without undue noise and disturbance being caused. In the event this is not the case, options would exist outside of the planning process to investigate working practices at the site. Furthermore, and for the avoidance of doubt, separate building regulations approval would be required to cover various construction aspects including the extension's foundations.

Conditions

15. The Council has suggested conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the National Planning Policy Framework (July 2021) and Planning Practice Guidance. As a result, I have made amendments for consistency and clarity purposes.
16. In the interests of certainty, a condition specifying the approved plans is required. To protect the character and appearance of the area, a condition requiring external facing materials to match existing is reasonable. In the interests of guarding against any undue loss of privacy for neighbouring occupiers, a condition confirming that the flat roof to be installed shall not be used for sitting out purposes is reasonable and necessary to impose.

Conclusion

17. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (scale 1:1250); Existing Plan Front View, Sheet 1/1; MFK010221EX; MFK020221.
- 3) The materials to be used to the external surfaces of the extension hereby permitted shall match those used to the existing building.
- 4) The roof of the extension hereby permitted shall only be accessed for repair and maintenance purposes and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.