
Appeal Decision

Site visit made on 15 February 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 FEBRUARY 2022

Appeal Ref: APP/N5090/D/22/3290159

19 Green Avenue, Mill Hill, London, NW7 4PX

- 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 Mr & Mrs Monsur Miah against the decision of the London Borough of Barnet Council.
 - The application Ref 21/2714/HSE, dated 30 April 2021, was refused by notice dated 26 October 2021.
 - The development proposed is Single Storey (Ground Floor) Side and Rear Extension.
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Decision

1. The appeal is allowed and planning permission is granted for a Single Storey (Ground Floor) Side and Rear Extension at 19 Green Avenue, Mill Hill, London, NW7 4PX in accordance with the terms of the application, Ref 21/2714/HSE, dated 30 April 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: Location Plan; PL-DR-EX-00-01; PL-DR-EX-01-02; PL-DR-EX-02-03; PL-DR-EX-RL-04; PL-DR-EX-XX-50; PL-DR-EX-XX-51; PL-DR-EX-XX-70; PL-DR-PR1-00-11; PL-DR-PR1-01-12; PL-DR-PR1-02-13; PL-DR-PR1-RL-14; PL-DR-PR1-XX-60; PL-DR-PR1-XX-61; PL-DR-PR1-XX-80; and PL-DR-PR1-XX-81 (As amended dated 12 October).
 - 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no windows or doors shall be construction in the side elevations of the extension hereby approved.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 17 Green Avenue, with particular reference to outlook.

Reasons

3. The appeal property is a two-storey, semi-detached dwelling. The proposal is for a single storey side and rear extension.
4. The proposed rear extension would extend across the full width of the dwelling and the proposed side extension. The depth of the proposed extension would vary from between about 2.7m for most of its width, extending to 5m depth where it meets the boundary with 17 Green Avenue. The extension would have a flat roof of around 3m in height, this would slope down to a height of around 2.35m along the boundary with No 17.
5. The Council's Supplementary Planning Document: Residential Design Guidance (2016) (SPD) provides detailed design guidance for development within Barnet. It advises that the depth of a single storey rear extension normally considered acceptable for semi-detached properties is 3.5 metres. It also states that rear extensions need to ensure that the depth and/or height of the extension does not cause a significant sense of enclosure or loss of outlook from, or light to, principle windows of habitable rooms of neighbouring properties.
6. There is a ground floor window on the rear elevation of 17 Green Avenue as well as a conservatory set further away from the boundary. There is also a brick-built outbuilding with a shallow mono pitch roof adjacent to the boundary with the appeal site. This outbuilding is of a similar height to the proposed extension, at the point where it would meet the boundary with No 17.
7. Whilst the proposed extension would have a depth of 5m along the boundary and would extend beyond the outbuilding by approximately 2 metres, much of the extension would be screened from the ground floor windows of No 17 by the outbuilding and accordingly, would have very little effect on the outlook from the ground floor window floor of No 17.
8. The proposed extension would be visible from the rear garden of 17 Green Avenue. However, it would be seen in context with the outbuilding to the rear of that property and given the sloping roof design and the relatively low height of the extension along the common boundary, I conclude that the proposal would not be overbearing or result in a loss of outlook to the occupiers of No 17.
9. Despite some conflict with the advice concerning single storey rear extensions contained within the SPD, I am nonetheless satisfied that the proposal would not have a harmful effect on the living conditions of the occupiers of 17 Green Avenue, with particular reference to outlook.
10. I therefore find that the proposal also would comply with Policy D3 of the London Plan (2021) Policies CS1 and CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document (2012) and Policy DM01 of the Local Plan (Development Management Policies) Development Plan Document (2012) which, amongst other matters, seeks to ensure that development is designed to allow for adequate outlook for adjoining occupiers. I also find no conflict with the Sustainable Design and Construction SPD (2016) which sets out how sustainable development will be delivered in the Borough.

Conditions

11. In addition to the standard 3 years implementation condition, I have imposed a condition requiring the extension to be constructed in matching materials to ensure a satisfactory external appearance. The approved plans condition is imposed for clarity. I shall impose a condition to prevent the insertion of openings on the side elevations of the extension, to protect the living conditions of neighbouring occupiers.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be allowed.

J Davis

INSPECTOR