



Appeal Decision

Site visit made on 12 April 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2022

Appeal Ref: APP/N5090/D/21/3282655

151A Station Road, Finchley, London N32 2SP

- 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 Graham against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/2809/FUL, dated 8 June 2021, was refused by notice dated 19 July 2021.
 - The development proposed is described as '*demolition of existing extension to be replaced by a new wider rear extension with a depth of 3.5 m from the main property. This will be shallower than existing extension (3.6 m). Width of proposed extension will be 6 m. Proposed level access between paved outside area and inside FFL. Height of proposed extension is 3225 from FFL – matching approved application at No 153 Station Road*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of No 149 Station Road in respect of outlook and light.

Reasons

3. The appeal site comprises a semi-detached property which has been converted into two flats. It is proposed to demolish an existing single storey extension which projects about 3.6 metres from the rear of the property and takes up about half the width of the rear elevation, and to replace it with a flat roofed single storey rear extension projecting 3.5 metres from the rear of the property and extending along its full width.
4. The evidence is that the Council has already approved a rear extension with a projection and width that is similar to the appeal proposal¹. The main difference between the approval and the proposal relates to the eaves height of the approved extension on the boundary with No 149 Station Road which would be lower than proposed. No 149 Station Road already has an outrigger to one side of the rear ground floor patio doors and the Council's concern is that the proposed extension, positioned close to the common boundary, would have a dominating impact when viewed from these doors to the detriment of outlook.

¹ Planning permission Ref No 21/0184/FUL

5. On my site visit, I was able to consider the relationship of the proposed extension with No 149 Station Road. It would be visible from the patio doors. I agree with the Council that owing to the height and projection of the rear extension, it would result in a harmful enclosing impact and that the neighbouring occupants would experience an unacceptable tunnel type effect, particularly taking into account the position of the existing outrigger. I acknowledge the appellant's desire to maximise space, but it is clear that there is already a planning permission in place that would enable expansion plans to take place and without significant harm being caused to the living conditions of the occupiers of the neighbouring property.
6. In respect of the effect of the development on levels of light to No 149 Station Road, it is of note that the appeal property is located to the east and the rear elevations of the properties and gardens are south facing. There is potential for the proposed development to lead to some loss of light to the patio doors and part of garden area of the neighbouring property, but this would only be early on in the morning. It is of note that there would be some impact in this regard, albeit less so, in terms of the development already approved by the Council.
7. For most of the day, the proposal would have no adverse impact on levels of light into the patio doors and immediate rear garden area of the neighbouring property and, furthermore, it is of note that No 149 Station Road has a relatively long garden where sunshine can be appreciated at all times of the day. Overall, and, on balance, I am satisfied that the proposal would not give rise to a material loss of light or overshadowing in respect of the use of No 149 Station Road.
8. For the above reasons, I therefore conclude that in respect of outlook the proposal would not accord with the amenity and protection requirements of policy CS5 of Barnet's Local Plan Core Strategy DPD 2012; policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012; the Council's Residential Design Guide SPD 2016 (SPD), and paragraph 130(f) of the National Planning Policy Framework 2021 (the Framework). The appellant contends that I should afford the SPD limited weight in decision making terms, but even if I were to take that view it would not alter or outweigh my finding that there would be conflict with the aforementioned development plan policies.

Conclusion

9. While the proposal would not have a harmful effect on the occupiers of No 149 Station Road in respect of light, I find that significant harm would be caused in respect of outlook. In reaching this view, I am cognisant of the fact that the existing occupiers of No 149 Station Road have not raised any objection to the proposal as part of the Council's notification process. However, paragraph 130(f) of the Framework states that developments should ensure a high standard of amenity for existing and future users. I have also taken into account the appellant's suggestion that *'we would be happy to accept a condition that the sections of blank wall facing 149 is landscaped with a trellis and planters'*. This would not reduce the overall bulk and massing of the proposed development and, furthermore, specific details relating to such a matter have not been provided as part of this appeal or indeed been considered by the occupiers of the neighbouring property.
10. I therefore conclude that the development would not accord with the development plan for the area taken as a whole and there are no material

considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR