



Appeal Decision

Site visit made on 4 May 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 MAY 2022

Appeal Ref: APP/N5090/D/22/3294035

12 Ranelagh Drive, Edgware HA8 8HW

- 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 Ehsan Alkizwini against the decision of London Borough of Barnet.
 - The application Ref 21/6441/RCU, dated 7 December 2021, was refused by notice dated 7 February 2022.
 - The development proposed is rear conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for rear conservatory at 12 Ranelagh Drive, Edgware HA8 8HW in accordance with the terms of the application, Ref 21/6441/RCU, dated 7 December 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: AS-BUILT SITE PLANS, XEVA/12RD/106 A, PRE-EXISTING SITE PLANS XEVA/12RD/105 A, ROOF PLANS XEVA/12RD/105 A, AS-BUILT ELEVATIONS XEVA/12RD/104 A, PRE EXISTING ELEVATIONS XEVA/12RD/103 A, AS-BUILT PLANS XEVA/12RD/102 A, PRE-EXISTING PLANS XEVA/12RD/101 A

Preliminary Matters

2. For the avoidance of doubt, the fact that development has occurred has had no bearing on my decision. However, the fact this application is retrospective does not describe the act of development and as such I have removed this from the description of development in the banner heading.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring occupiers with particular regard to the light, outlook and sense of enclosure to 14 Ranelagh Drive.

Reasons

Character and Appearance

4. There are a number of rear extensions in the surrounding area, and the rear building line in this location is staggered, therefore there is no particular uniformity to the depth or projection of the ground floor rear elevations in this part of Ranelagh Drive.

5. The proposed development is 0.71 metres longer than the 3.5m advised by The Local Plan Supplementary Planning Document Residential Design Guidance 2016 (SPD) and therefore does not fully comply with the advice in this document. Nevertheless, given the site specific characteristics in this location, the conservatory's lightweight materials, clearly subservient domestic appearance and size relative to the plot, it appears secondary to the main dwelling and its garden. Furthermore, its size and design is not harmfully discordant with the appearance of the rear of the properties in this area.
6. As such, the proposed development has an acceptable effect on the character and appearance of the surrounding area. Therefore, it is in accordance with Policy D3 of the London Plan 2021, Policy CS5 of the Barnet Local Plan (Core Strategy) DPD 2012 (CS) and Policy DM01 of the Barnet Local Plan (Development Management Policies) DPD 2012 (DMP). Together these seek new development to be design-led and high quality design, amongst other things.

Living Conditions

7. Along the side elevation closest to 14 Ranelagh Drive the extension is single storey with a pitched roof above and has glazing to the majority of the side and rear elevation.
8. The primary aspect from the rear windows at 14 Ranelagh Drive is across its own rear garden. The neighbouring extension is undoubtedly visible in peripheral views. However, the main outlook has not altered. Taking this into account along with the arrangement of no 14 including the size of its plot, the extension does not have a significantly harmful effect on the outlook for these occupiers.
9. The extension is single storey, located broadly to the north of no 14 with some separation from the windows at the neighbouring property. These features lead me to conclude that it would not have resulted in an unacceptable loss of light to this neighbouring property. For similar reasons nor would it have resulted in an inappropriately overbearing development or harmful sense of enclosure.
10. The side elevation is glazed, however any views towards the neighbouring property are prevented by the boundary fence. As there is a gap between the extension and the boundary such treatment can be retained and therefore there is no loss of privacy.
11. Consequently, the proposed development has an acceptable effect on the living conditions of neighbouring occupiers. As such it is in accordance with Policy DM01 of the DMP which, amongst other things requires development to allow for adequate living conditions for adjoining occupiers. As well as the advice in the SPD which, in part, seeks to safeguard residential amenity.
12. I have no reason to believe the proposed development does not comply with the various development standards set out in Policy DM02 of the DMP. Policy CS1 of the CS is a high level policy relating to Barnet's place shaping strategy and Policy CS5 mainly relates to character and appearance matters. Therefore, the policies set out above are more relevant to this main issue.

Other Matters

13. Matters of roof drainage and party wall agreements are dealt with under other legislation. These are not planning considerations to which I can attribute any degree of weight in this case.

Conditions

14. A condition listing the approved plans is applied for certainty. However, the development has been completed. Therefore, the standard commencement condition and a condition relating to materials is unnecessary.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR