



Appeal Decision

Site visit made on 4 July 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27TH July 2022

Appeal Ref: APP/N5090/D/22/3296217

111 Margaret Road, Barnet, EN4 9RA

- 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 Mrs N Kaufman against the decision of the London Borough of Barnet.
 - The application Ref 21/6698/HSE, dated 21 December 2021, was refused by notice dated 15 February 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension; in accordance with the terms of the application Ref 21/6698/HSE, dated 21 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved drawings listed below:
 - 'Proposed Rear Extension,' Drawing 221072/03, Dated 09/21 by Arthur Ferryman& Associates.
 - 2) The development hereby permitted shall be commenced before the expiration of three [3] years from the date of this permission.
 - 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) The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - The character and appearance of the host building including the greater locality; and
 - The living conditions of No.109 and 113 Margaret Road, with particular regard to sense of enclosure and outlook.

Reasons

Character and appearance

3. The appeal site is located along Margaret Road, which like the surrounding streets, forms part of a speculative residential housing development which appears to date from the mid twentieth century. Dwellings along Margaret Street are typically semi-detached with steep hipped roofs with central coaxial chimney stack, and large forward projecting bay windows to the front. To the rear there are long gardens, with No.s 105-115 (odd) having a rear laneway along the rear boundary. Buildings are set back from the road edge with small brick boundary walls and vegetated front gardens. Street trees and vegetated front gardens combine with gaps between dwellings where glimpses to the tops of vegetation in rear gardens assist in reinforcing a spacious and leafy character. There is evidence of rear extensions and alterations to existing buildings, however these alterations are generally subservient. Together, these elements contribute to some of the positive qualities that reinforce local character, appearance and local distinctiveness.
4. In undertaking extensions and alterations to existing buildings, the London Borough of Barnet Local Plan Core Strategy (CS) Policy CS5 seeks to ensure that redevelopment delivers a high quality design by respecting local context and distinctive local character. The London Borough of Barnet Development Management Policies (DMP) Policy DM01 seeks to encourage development that provides positive characteristics such as understanding context, be high quality in design, form, scale, layout and the spaces around them, amongst others. These policies are supported by the Residential Design Guidance Supplementary Planning Document (RDG) which offers guidance on specific elements of designing new schemes and alterations, taking into account context and character, amongst others.
5. The RDG suggests that not all houses can be extended and that extensions can individually and cumulatively have a profound effect on the appearance of an area. As such it is necessary to give consideration to elements such as Amenity, Harmony, Materials and Details and fitting into the street, amongst others. For rear extensions the RDG suggests that extensions of three metres for a semi-detached property is normally acceptable, however further consideration regarding extensions need to take into account the depth and height, visual bulk, prominence, the remaining garden space, and the levels of the property when compared with neighbouring property, amongst others.
6. I disagree with the Council Officer report that appears to suggest that any extension that is greater than 3 metres is 'not policy compliant' as DMP Policy DM01, or CS Policy CS5 makes no reference to such a scenario or implies that an extension greater than 3 metres is not compliant with policy. Whilst guidance such as the RDG is helpful for interpreting planning policy, it is not itself policy and should not be read as such. As suggested in the RDG every application requires consideration to be given to a number of elements relevant to its specific context.
7. In relation to the appeal site, the rear garden is large, in that the proposed depth of a six metre extension could be easily accommodated with an appropriate rear garden space for existing and future occupiers. As per the Council Officer Report, extensions in this area are not uncommon, some dwellings such as No.s 115 and 117 Margaret Street have quite long

extensions as an example. No.s 109 and No.113 Margaret Street also have rear extensions, and whilst the proposed extension at the appeal site would be longer than these extensions, the proposal and its depth would not be overly out of character or incongruous in this particular location. The materials utilised in the extension are considered appropriate to this particular location and the existing dwelling, and whilst long, given the low height of the extension, it would be relatively subservient in size, massing and visual bulk to the main dwelling. The appeal site would maintain the well vegetated rear garden and retain the characteristics that contribute to local character, appearance and local distinctiveness of the area.

8. Consequently, and in conclusion of this matter, the proposed rear extension would be an appropriate alteration to the existing dwelling that would not cause detriment to the character and appearance of the existing building or the greater locality. The scheme would therefore be compliant with CS Policy CS5 and DMP Policy DM01, which is supported by the RDG.

Living conditions

9. The main concerns from the Council Officer Report relate to a loss of outlook and sense of enclosure to both side neighbours, however the Officer Report does not detail exactly how this occurs and whether the loss of outlook is from the enjoyment of the rear garden or from within the neighbouring premises. The appeal site shares a party wall with the remaining half of the semi-detached dwelling at No.109 Margaret Road. This dwelling has a single storey rear extension which runs for approximately half the width of this dwelling and is setback from the appeal dwelling. The small area between the boundary of the appeal site and the rear extension is paved but is too small an area for sitting out and the enjoyment of this property. Whilst the presence of the extension along the property boundary of No.109 would increase the amount of built form with a blank boundary wall that is taller than existing, I am not convinced that the increased height would cause adverse material detriment to this neighbouring property.
10. Given the length of the garden of the neighbouring property, there is ample ability to enjoy the rear garden of the property away from the extension which is relatively low scale and would not severely restrict outlook or create a sense of enclosure. The rear double doors of the neighbouring dwelling would still achieve an adequate amount of light and an outlook into the garden and sky above.
11. Turning to No.113, this dwelling has a rear extension that has a small setback from the boundary shared with the appeal site where there is an accessway to the rear garden. According to the Council's measurements, the proposed extension would be approximately 1.6 metres longer than the neighbouring extension, as well as being setback from this boundary with a small accessway to the side of the proposed extension.
12. The accessway to the side of No.113 is not an area which contributes to the sitting out and enjoyment of this property with a large garden area and paved component after the extension for this purpose. The additional 1.6 metre depth would be noticeable to the residents of No.113, however I am not convinced that this projection alone would cause adverse detriment to the living conditions of No.113 as a result of sense of enclosure and loss of outlook.

13. Taking the above into account and in conclusion of this, matter, I therefore disagree with the Planning Officer's report that the proposal would cause a 'harmful impact' to the living conditions of adjacent occupiers. Consequently, the proposal would be compliant with DMP Policy DM01 which seeks that development proposals be design to allow for adequate privacy and outlook for adjoining and potential occupiers.
14. I note reference in the Reason for Refusal No.2 in Council's Decision notice to CS Policy CS5 which is a design orientated policy which seeks to protect and enhance character to create high quality spaces. The policy contains no reference to assessment of living conditions and is therefore not relevant to the assessment of this matter.

Conclusion and Conditions

15. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed previously.
16. The Council in their Officer Report detailed that should the appeal be allowed, that conditions regarding time limit, approved plans and materials which match existing be placed on any decision notice. I have considered the conditions as specified in the beginning of this letter in accordance with the Planning Practice Guidance (PPG). Conditions 1 and 2 are standard conditions which set the standard time limit and approved plans which are necessary for the avoidance of doubt and in the interests of proper planning. Condition 3 seeks that the scheme is constructed in matching materials which is necessary as this condition enables the development to fit in with the character and appearance of the existing dwelling and the locality. Condition 4 seeks that the roof of the extension not be utilised as a balcony, roof garden or amenity space which is considered necessary to protect the amenity of adjoining residents.

J Somers
INSPECTOR