



Appeal Decision

Site visit made on 1 August 2022

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2022

Appeal Ref: APP/N5090/C/21/3272662

Land at 75 Arlington Road, London N14 5BB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Helen Paphitis against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice was issued on 19 February 2021.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of a single storey rear extension.
 - The requirements of the notice are:
 1. Demolish the single storey rear extension.
 2. Permanently remove all constituent materials resulting from the works in 1. above from the property.
 - The period for compliance with the requirements is 3 Months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of a single storey rear extension on land at 75 Arlington Road, London N14 5BB referred to in the notice and subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the north eastern elevation.

Background

2. In March 2020 the Council issued a decision that pursuant to paragraph A.1(g) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, prior approval was not required for a single storey rear extension with a proposed maximum depth of 5.00 metres from the original rear wall, eaves height of 3.00 metres and maximum height of 3.40 metres at the appeal property.¹

¹ Local Planning Authority Ref: 20/0428/PNH.

3. The single storey extension constructed does not accord with the details submitted to and considered by the Council. The appellant claims that the only difference was the installation of two rooflights, which have now been removed. However, the Council allege that whilst the width and depth of the extension are in accordance with the details submitted, its overall height exceeds 3.40 metres and the height of the eaves exceeds 3.00 metres. Measurements taken by the Council on my accompanied site visit showed that the roof at its highest is approximately 3.43 metres, whilst the eaves at their lowest point where 3.12 metres. I also noted on my site visit that the roof lights had been removed.

Appeal on ground (a), deemed planning application

Main Issues.

4. The main issues in this case are the effect on the:
 - Character and appearance of the host property and surrounding area; and
 - Living conditions of the occupiers of the adjoining property, No 73 Arlington Road, with particular regard to outlook and light.

Reasons

Character and appearance

5. The appeal property is a semi-detached dwelling which has been extended and altered by the addition of a front porch, a hip to gable extension with rear dormer and the single storey extension the subject of this appeal. The property also has a detached garage/outbuilding situated within a generous rear garden. The property is located in a residential area and the street is characterised by similar semi-detached dwellings, many of which have been altered through extensions.
6. The rear extension the subject of the appeal is single storey with a predominantly flat roof. It is constructed in brickwork to match that of the host property. Its single storey form means that it does not dominate the rear elevation of the dwelling, and considering the two-storey nature and size of the original dwelling it does not appear disproportionate to it.
7. Situated to the rear of the property the extension is not visible from the street and the character and appearance of the street scene has thus been preserved. Furthermore, as many of the surrounding properties have similar rear additions the extension is not an uncharacteristic development in this area. Moreover, the generous and mature rear garden which contributes to the visual characteristics of properties in this street has not been significantly eroded.
8. I conclude that the single storey rear extension does not have a harmful effect on the character and appearance of the host property and surrounding area. There is no conflict with the development plan, and in particular I find no conflict with Policy DM01 of Barnet's Local Plan, Development Management Policies, 2012 (DMP), Policy CS5 of the Local Plan's Core Strategy, nor the Residential Design Guidance SPD, 2016 (SPD) all of which seek to ensure, amongst other things, that new development preserves or enhances local character and respects the appearance, scale, mass, height and pattern of

surrounding buildings, spaces and streets. In addition, I find no conflict with the overall design aims of the National Planning Policy Framework.

Living conditions

9. The extension spans the width of the property's rear elevation and has a flat roof. It abuts the boundary of the adjoining property and projects from the rear wall of the host property by five metres. The adjoining property, No 73, has a patio style living room window within a small projection on its rear elevation and situated close to the flank wall of No 75's rear extension. No 73 has a deep and verdant rear garden.
10. The rear elevation and garden areas of the appeal property and its neighbour are predominantly south facing. I noted on my site visit that No 73's patio window and seating area adjacent to No 75's extension was partially shaded when I carried out my visit at approximately 1530 hours on a sunny afternoon. Thus, there is no doubt that the extension results in some overshadowing of No 73's living room window and patio area in the late afternoon and evening area. However, for the majority of the day, the south facing aspect of the neighbouring property's living room window and patio remains free from shade, as does its extensive garden area. I do not consider that the small amount of shading in the late afternoon and evening is significantly harmful to the living conditions of the occupiers of No 73.
11. I appreciate that the extension is 5 metres in depth, and that the Council's SPD suggests that a depth of 3.5 metres would normally be acceptable for a rear extension on a semi-detached property. However, the extension is single storey in height with a flat roof. Considering the otherwise open aspect to the rear of No.73, I do not consider that the extension's flank wall has a significantly enclosing or harmful effect on outlook for the occupiers of No 73. In addition, I am mindful that the occupiers of this property support the appellant's appeal, and have written to say that they have no concerns in relation to loss of daylight, sunlight or visual intrusion.
12. I conclude that whilst the extension has resulted in some loss of sunlight to the rear of the adjoining property, the extension does not cause significant harm to the living conditions of No 73 in relation to light and outlook. The advice in the SPD is guidance only. I am satisfied that the development is not in conflict with the overall aims of the SPD and Policy DM01 of the DMP, which seek to ensure, that development proposals are designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Conditions

13. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. It is not necessary to impose conditions specifying compliance with plans, matching materials or a time for commencement of development, as the planning permission I have granted relates to a development which has already taken place. However, in the interests of safeguarding the privacy of the occupiers of the adjoining property, I have removed permitted development rights to prevent the installation of any windows in the facing flank wall of the extension.

Conclusion

14. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeal on ground (f) does not therefore fall to be considered.

Elizabeth Pleasant

INSPECTOR