



Appeal Decision

Site visit made on 22 September 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2022

Appeal Ref: APP/N5090/W/22/3299198

Natalie Court, 47A Finchley Lane, London NW4 1BY

- 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 SAKS Properties Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/5187/FUL, dated 10 September 2021, was refused by notice dated 15 December 2021.
 - The development proposed is a single storey upward extension to provide an additional 2 self-contained residential units.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey upward extension to provide an additional 2 self-contained residential units at Natalie Court, 47A Finchley Lane, London NW4 1BY in accordance with the terms of the application, Ref 21/5187/FUL, dated 10 September 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: 047aFI-A-01-001, 047aFI-A-01-002, 047aFI-A-03-101, 047aFI-A-03-102, 047aFI-A-03-103, 047aFI-A-03-104, 047aFI-A-03-106, 047aFI-A-05-101, 047aFI-A-05-102, 047aFI-A-06-101, 047aFI-A-06-102, 047aFI-A-06-103 and 047aFI-A-06-104.
 - 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) Unit 06 shall not be occupied until the window to bathroom as shown on plan 047aFI-A-03-103 has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The glazing shall be obscured to at least level 3 of the Pilkington glass privacy scale (or equivalent). Once installed as such the window shall thereafter be retained.
 - 5) The 2 additional flats hereby approved shall not be occupied until 4 additional cycle parking spaces to serve those flats have been provided on site, in accordance with details that have first been submitted to and approved in writing by the local planning authority. Once provided, the 4 cycle parking spaces shall thereafter be retained.

- 6) The 2 additional flats hereby approved shall not be occupied unless the general waste and recycling storage area to serve the flats, as shown on plan 047aFI-A-01-002, is available for use. Once provided, the general waste and recycling storage area shall thereafter be retained.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application, albeit I have removed the reference to the development being a full planning application as this is not an act of development.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of the top floor flat within 49 Finchley Lane, with specific reference to their outlook.

Reasons

4. 47A Finchley Lane is a residential property containing flatted accommodation set across 3 floors with a further basement level containing parking. The property is situated within an area of mixed character. There are many residential properties nearby, but the property is also on the edge of a local commercial and shopping centre. The heights of properties in the local area vary, though several properties appear to have accommodation set across 3 or more storeys. Dormer windows and roof windows are quite common in the area, indicating that accommodation within the roof space of properties is typical. It is also quite usual for such windows to be situated on side facing roof slopes.
5. No 49 has a hipped roof profile which slopes away from the common boundary with the host property as it rises. The facing dormers are set back from the eaves within the roof slope and are therefore recessed and set away from the host property. I am advised that the dormers each serve bedrooms and are the only windows serving those rooms.
6. The raising of the roof height of the host property would make the building, to an extent, more imposing than at present when viewed from within the rooms which the side dormers at No 49 serve.
7. In the proposal, the distances from these facing dormers to the nearest parts of the host building, at around eaves level, would be around 6m. The proposal also incorporates a hipped roof which would slope away from No 49 to the highest point at the ridge. Therefore, when viewed from within the rooms served by the dormers, the view would comprise both the additional floor and the roof slope. This would become increasingly distant as it would become higher, lessening the effects of its size and mass. The proposal would also incorporate side elevation dormers which would flank No 49. This would have the effect of breaking up the roofscape and, in turn, reducing the effects of its mass.

8. Given the separation distances which would be involved, the manner in which the proposed roof would slope away from No 49, and the viewing angles involved, it is also likely that views of the sky would remain. This combination of factors would moderate the effects of the development upon the outlook from both facing dormers.
9. Furthermore, aside from a modest single storey element, the rear elevation of the host property does not project beyond the rear of No 49 and this would not change in the proposal. Outlook would therefore remain from the rear side dormer beyond the rear of the host property and in the direction of Tenterden Grove. Consequently, the occupiers of that room would benefit from outlook in that direction together with the aforementioned moderating effects of the design proposed.
10. In the opposite direction, equivalent levels of outlook from the front side dormer toward Finchley Lane would not be available due to the presence of an existing chimney stack. However, this chimney is already hindering outlook in this direction at present and the development would not affect outlook in this direction any further. Whilst the front side dormer would not therefore benefit from the same levels of outlook as the rear side dormer, the aforementioned combination of factors would, nevertheless, sufficiently reduce the effects of the development upon the occupiers of that room and ensure that they would receive acceptable living conditions.
11. For the above reasons, I consider that the design and circumstances of the site layout would moderate the effects upon the occupiers of the top floor flat within No 49 and that adequate levels of outlook would remain for the occupants. Consequently, the development would accord with Policies D3 of the London Plan, 2021 (LP), Policies CS1 and CS5 of the Barnet Core Strategy Development Plan Document, 2012 (CS) and Policy DM01 of the Barnet Development Management Policies Development Plan Document, 2012 (DMP). I also find that the development would accord with the Residential Design Guidance Supplementary Planning Document, 2016 (Residential Design SPD) and the Sustainable Design and Construction Supplementary Planning Document, 2016 (Sustainable Design SPD). In summary, and amongst other things, those policies and provisions seek to ensure that development achieves a high standard of urban design, respects the local context and ensures adequate outlook for neighbouring occupiers.

Other Matters

12. I note the comments of local residents relating to the recent sales of flats in the area, but I have no further details before me on whether or not there are any specific reasons for this and, on the basis of the evidence before me, I have no reason to object to the principle of the 2 flats proposed. I note that the Council are satisfied that the standard of internal space provided by the development would be acceptable and I have no substantive evidence before me to suggest that the development would cause any unacceptable overcrowding.
13. The development would not increase parking provision at the site. I note that the Council are satisfied that the highways and parking related effects of the development would be acceptable. Aligned with those conclusions, I particularly noted on my site visit that the occupants of the development would benefit from their close proximity to the local services and facilities. Furthermore,

having regard to the extent of the development proposed I have little detail before me in relation to the developments that may have taken place or been permitted nearby or to what extent there is potential for cumulative effects with this development. For these reasons, I have no substantive evidence before me to suggest that this development would cause unacceptably problematic parking issues or congestion.

Conditions

14. I have imposed the standard time limitation condition (condition 1), and a plans condition, which is needed in the interests of clarity (condition 2). Condition 3, to secure the appropriate use of materials, is needed to protect the character and appearance of the area. To ensure the privacy of prospective occupiers, I have attached condition 4. Condition 5 is necessary to ensure that the proposed flats are provided with adequate cycle parking provision. I have imposed condition 6 to ensure that the development adequately accommodates for the waste and recycling requirements of the proposed flats. The Council suggest a condition in relation to sound insulation and that such insulation should comply with Building Regulations. However, I have no reason to conclude that adherence to the separate provisions of Building Regulations would be insufficient. Such a condition would duplicate those provisions and therefore is unnecessary and, in turn, I have not imposed it.

Conclusion

15. For the above reasons, the appeal is allowed subject to the conditions above.

H Jones

INSPECTOR