



Appeal Decision

Site visit made on 16 February 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2022.

Appeal Ref: APP/N5090/D/22/3294590

14 Fakenham Close, Mill Hill, London, NW7 2SD

- 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 Dan Freedman against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/6803/HSE, dated 28 December 2021, was refused by notice dated 3 February 2022.
 - The development proposed is first floor roof terrace with privacy screening and access door.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of 17 Fakenham Close, with particular reference to privacy and noise; and
 - The effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

Reasons

Living conditions

3. The appeal property is a two-storey house which adjoins 17 Fakenham Close on its southern side. Nos 14 and 17 also adjoin 15 and 16 Fakenham Close respectively. As the four dwellings are within a 'block', each dwelling has two external elevations.
4. The appeal property benefits from a single storey wrap around extension. The appeal proposal is for a first floor roof terrace with privacy screening and railings which would sit over part of the existing single storey extension. A new access door leading to the proposed roof terrace is also proposed.
5. The proposed roof terrace would have a depth of about 1.9m and a width of around 4.5m. It would be mainly enclosed by railings of 1.1m in height apart from a 1.8m high privacy screen which would be set off the boundary with No 17 by around 2m.

6. The proposed privacy screen would prevent direct views into the part of the garden closest to the rear elevation of 17 Fakenham Close. However, the privacy screen would be unlikely to prevent more angled views into the rear garden of No 17. Whilst some mutual overlooking of gardens already exists from the first floor bedroom windows on the rear elevation of Nos 14 and 17, in my view the use of the terrace would be likely to increase opportunities for direct overlooking of the rear garden of No 17, at closer proximity. This would be detrimental to the living conditions of existing and any future occupiers of No 17.
7. I also find that due to its siting close to the boundary and the elevated nature of the proposed roof terrace, its use would be likely to result in noise and disturbance to the occupiers of the adjoining dwelling. The closest first floor window on the rear elevation of No 17 is obscure glazed and is therefore likely to serve a bathroom. There is a further first floor window on the rear of No 17 which appears to serve a bedroom. Whilst the roof terrace would be set in from the boundary with No 17 by 2 metres, it is my concern that its use, in close proximity to and at the same level as bedroom accommodation, would have the potential to be a source of noise and disturbance which would be detrimental to the living conditions of the neighbouring residents.
8. Whilst I note that the current occupiers of No 17 raised no objection to the appeal proposal, I also have to consider that effects of the proposal on the living conditions of any future occupiers.
9. I have also had regard to the extant planning permission for a first floor rear extension with Juliette balcony, which was allowed on appeal¹ in 2020. However, the approved Juliette balcony was flush with the rear wall of the extension and would not offer the same opportunities for overlooking as a roof terrace which would likely to be used for longer periods as a sitting out area.
10. The appellant has also referred to an appeal decision relating to a terrace in London. However, I have not been provided with the full details of this case and in any event, I am required to determine the appeal on its own merits.
11. I therefore find that the proposal would have a harmful effect on the living conditions of the occupiers of 17 Fakenham Close with particular reference to privacy and noise. Thus, it fails to comply with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (LP DPD), the National Planning Policy Framework (the Framework) and guidance contained within the Residential Design Guidance Supplementary Planning Document (2016) (SPD) which, amongst other matters, collectively seek to ensure that development allows for adequate amenity for adjoining and potential occupiers and users.

Character and appearance

12. Other than for the 1.8m high privacy screen, the proposed roof terrace would be enclosed by railings of 1.1m in height. These would only project around 0.5m above the parapet which runs around the extension. Whilst the privacy screen would be more prominent due to its additional height, it would be formed by a trellis with ivy or planter, which would be of a 'lightweight'

¹ Appeal ref. APP/N5090/D/19/3239062

appearance. I do not consider that the trellis, or the timber railings would have any seriously detrimental effect on the character and appearance of the host dwelling.

13. Whilst roof terraces and associated enclosures do not appear to be a characteristic of the area, the appeal proposal is generally well screened and would not be visually prominent when viewed from any public areas. I am therefore satisfied that it would not have any adverse effects on the wider character and appearance of the area.
14. I therefore conclude on this issue, that the proposal would not have a harmful effect on the character and appearance of the host dwelling and the surrounding area. In this respect, it would comply with Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the CS, Policy DM01 of the LP DPD, and the SPD. These policies and guidance seek to ensure that, amongst other matters, new development is of a high quality design that respects the appearance, scale, height and mass of surrounding buildings and respects local context and distinctive local character.

Conclusion

15. Whilst I have found that the proposal would not be harmful to the character and appearance of the host dwelling or the surrounding area, it would be harmful to the living conditions of the occupants of the 17 Fakenham Close for the reasons given above.
16. I therefore conclude that the appeal should be dismissed.

J Davis

INSPECTOR