



Appeal Decision

Site visit made on 29 December 2022

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

an Inspector appointed by the Secretary of State

Decision date: 20 January 2023

Appeal Ref: APP/N5090/D/22/3306651

139 Green Lane, Edgware, Barnet HA8 8EL

- 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 Jay Patel against the decision of the London Borough of Barnet.
 - The application Ref 22/2304/HSE, dated 28 April 2022, was refused by notice dated 24 June 2022.
 - The development proposed is described as the erection of a double-storey side and rear extension, with a front porch.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of No.137 Green Lane, with particular regard to outlook and sense of enclosure.

Reasons

3. The appeal site comprises one half of a semi-detached dwelling with No.141 Green Lane. Dwellings along this side of Green Lane contain pairs of semi-detached and detached dwellings with each of the buildings being setback from its neighbour, having a staggered setback along the street. Currently No.141 has constructed a similar side and rear extension as to what is proposed at the appeal site, currently giving an asymmetrical appearance within the street scene. The rear wall of No.137 is set forward than the rear wall of No.137, and has a small extension to the rear and a larger single storey extension to the opposite boundary. There is a small sitting out area next to the boundary with the appeal site, with a relatively wide garden which is comparable to many of the dwellings along Green Lane.
4. The main concerns from the Council appear to relate to the lack of compliance to the Barnet Residential Design Guide which suggests that typically two storey extensions that are within 2 metres of the boundary and project more than 3 metres are not considered acceptable. Whilst I agree with the appellant that the RDG only represents typical scenarios, and this particular scenario is unique due to the staggered setback, some of the elements remain relevant such as the presence of the two storey wall which is close to the shared boundary and according to the Council's calculations would project some 7.5 metres. Given the sitting out area of No.137 which is close to the shared boundary, the visual presence of the blank two storey wall in close proximity to the neighbouring garden would be substantial. Given the angle of the flank wall

there would be some relief caused by the gradually increasing setback from the shared boundary, but the 7.5 metre projection is considered to be excessive in this particular context.

5. I can also appreciate that the garden is wide, which would give some relief from the built form, however the proposed extension would introduce a larger amount of built form, there would be minimal setback at first floor level, reducing the level of outlook and creating a perception of enclosure towards the rear garden of No.137. Whilst it has been stated in the appellant's Statement of Case that the situation is a 'natural relationship' and is an 'established pattern of development' on my site visit or from the appeal documents I see no evidence of similar two storey extensions close to the property boundary which extend for over 7 metres.
6. My attention is drawn to a Certificate of Lawful Development¹ for a two storey rear extension and a Prior Notification² for a single storey rear extension. Whilst I do not disagree that both schemes could be implemented and represent a fall-back position, neither of the two schemes have a two storey wall for 7.5 metres close along the property boundary which is the main contention with this proposal. As such, the presence of this fall-back position has no bearing upon the proposal under assessment which is substantially different in its nature and impact.
7. I also acknowledge that the neighbouring residents of No.137 did not object to the application, however the application requires to be considered against the development plan policies which consider both current and future occupiers.
8. Consequently, and in conclusion of this matter, the proposed scheme would be contrary to the Barnet Development Management Policy DM01 (which seeks that development not impact upon residential amenity) and is supported by the Residential Design Guide; and London Plan Policy D3 (which seeks to take a design approach in ensuring the living conditions are protected in new development).
9. I note that the Reason for Refusal mentions Barnet Core Strategy Policies CS1 (which concerns housing delivery and place shaping) and Policy CS5 (which concerns design) do not appear to be related to the assessment of living conditions and are therefore not relevant to the consideration of this matter.

Conclusion

10. Taking the above into account, I conclude that the appeal be dismissed.

J Somers
INSPECTOR

¹ Barnet Planning Ref: 22/0331/192

² Barnet Planning Ref: 22/0339/PNH