



Appeal Decision

Site visit made on 10 January 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2023

Appeal Ref: APP/N5090/D/22/3301106

12 Ranelagh Drive, Edgware, Barnet HA8 8HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ehsan Alkizwini against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/1371/PNH, dated 14 March 2022, was refused by notice dated 22 April 2022.
 - The development proposed is erection of single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension at 12 Ranelagh Drive, Edgware, Barnet HA8 8HW in accordance with the terms of application Ref 22/1371/PNH, including plans: Existing Elevations XEVA/12RD/302 Issue A; Proposed Elevations XEVA/12RD/303 Issue A; Existing & Proposed Plans XEVA/12RD/301 Issue A; Site Location Plan XEVA/12RD/304 Issue A; Proposed Site Plan XEVA/12RD/305 Issue A; dated 14 March 2022, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

2. The relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) do not require regard to be had to the development plan or supplementary guidance. Accordingly, I have had regard to those policies and any supplementary guidance cited in the decision notice only in so far as they are a material consideration relevant to matters relating to the main issues. They are not, in themselves, determinative.

Main Issue

3. The main issue is therefore the effect of the proposal on the amenity of adjoining premises.

Reasons

4. The appeal site comprises a semi-detached dwelling with an existing rear conservatory which would be removed in order to erect a single storey rear extension of 6 metre (m) depth, 3m height and a width covering the rear

elevation of the host building. The extension would be built along the shared boundary with No.12.

5. The proposal would extend to a significant length along the shared boundary of No's 12 and 14. However, the total height of the extension would be lower than that of the existing conservatory. As such, while the proposal may be visible above the fence, the outlook from the rear windows of No 12 would not be visually dominant or overbearing to users of the rear garden. As the outlook to the other side would remain unaltered, the sense of enclosure would not increase, particularly given my findings on the visibility of the proposal above the fence.
6. I have had regard to the representation received from the occupier of No 12 with regard to loss of light. However, as the Council have pointed out, due to the position of the extension to the north of that property, a loss of light would not occur when considering the movement of the sun.
7. Consequently, the proposed development would not be harmful to the amenity of the adjoining premises with regards to outlook or appear overbearing. As such it would accord with Policies CS1 and CS5 of the CS¹, DM01 of the DMP² and D3 of the LP³ which seek to ensure development proposals are designed to allow for adequate privacy for adjoining and potential occupiers and users, among other things.

Conditions

8. The appellant's attention is drawn to the conditions and limitations imposed on the granting of prior approval within paragraph A.3 of the GPDO. These ensure the details of the proposal are adhered to.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed, and prior approval is granted.

C McDonagh

INSPECTOR

¹ Barnet's Local Plan (Core Strategy) Development Plan Document (adopted September 2012)

² Barnet's Local Plan (Development Management Policies) Development Plan Document (adopted September 2012)

³ The London Plan (adopted March 2021)