
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: 25th January 2023

Appeal Ref: APP/N5090/D/22/3301815

149 Colin Crescent, Colindale, Barnet, London NW9 6ET

- 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 and Mrs Doyle against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/0982/PNH, dated 22 February 2022, was refused by notice dated 5 April 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

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 the effect of the proposal on the amenity of adjoining premises.

Reasons

4. The appeal property is mid-terrace, two storey dwelling located in a residential area. No's 147 and 151 Colin Crescent are located to either side and have long rear gardens of similar widths.
5. The proposed extension would project to a depth of 6 metres (m) from the rear wall of the host property and reach a height of 2.915m along the shared boundaries to either side. I observed on the site visit that the boundaries are currently marked by fencing. The extension would rise above the fences to a significant distance, although the rear gardens are long, and outlook would largely be maintained. Moreover, No 147 is located at the end of the terrace and has no adjoining property to one side, while the property to the other side

- of No 151 does not have an extension. As such, although the proposed extension would be visible above the fence, outlook would remain largely unaffected to those sides of the neighbouring dwellings and there would be no harmful effects to amenity as a result of increased enclosure.
6. I am provided with an assessment which models the effects of shadowing at various times of the day caused by extensions of 3m and 6m depths as well as the existing situation. It is unclear as to what time of year this model relates, although it does demonstrate that there would be a negligible effect on No 151 at 7:30am with no other loss of light throughout the day to that property. Given the orientation of that property relative to the appeal site I have no reason to doubt this conclusion.
 7. With regards to No 147, the model demonstrates that the proposal would have a negligible effect during most of the day, with shadowing from 16:30 onwards largely caused by the host terrace itself rather than the proposed extension.
 8. However, the model shows that at 15:00 (3pm) approximately half of the width of the rear garden area of 147 would be in shade at 3pm to a depth of 6m which would be caused by the extension. This would significantly reduce the amount of sunlight experienced by the garden of 147 and would reduce the enjoyment of this space for its occupiers. I understand that an extension of 3m may be permitted development, which the modelling shows would also cause some shadowing. However, the depth of this shadowing would be approximately half of that caused by the proposal.
 9. Evidently, the rear window at ground floor level of that property does not serve a habitable room. However, the assessment under paragraph A.4(9)(b) is not limited to habitable room windows and relates to the amenity of adjoining premises. Similarly, while the occupiers of No 147 did not object to the proposal, as per paragraph A.4(9)(b) I am obligated to consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.
 10. My attention is drawn to numerous other extensions to properties on Colin Crescent and I have been provided with some details of these. The development at No 126¹ is formed of two single storey extensions with a gap between them. I agree that this is somewhat unusual and has apparently occurred elsewhere on the same street. I do not have the decision notice before me, although it would appear as though the extensions met the conditions and limitations of Schedule 2, Part 1, Class A of the GPDO in that case. Regardless of how the extension was eventually constructed, this is not justification for allowing the harm identified in this case.
 11. Similarly, the approvals of No 181² Colin Crescent and 74 Colin Gardens³ are considered by the appellant to create tunnelling effects on the adjoining properties which are harmful to outlook. I do not have full details of those developments before me, although I have not concluded that the same harm to outlook would occur as a result of the appeal proposal. I have no information as to how loss of light was assessed or whether it would occur in those other cases, although I note that No 74 is orientated east to west and would have its

¹ 22/0623/PNH

² 18/5580/PNH

³ H/05894/14

own circumstances to consider in this matter. Regardless, each proposal is assessed on its own merits, and the apparent allowing of harmful development in other examples is not justification in this matter.

12. There are other examples of 6m rear extensions listed in the appeal statement, although they all relate to semi-detached properties which would mean that outlook would likely remain unaffected to one side and therefore those site-specific circumstances would differ to the scheme before me.
13. Although there is reference to a loss of privacy in the decision notice because of the extension, the single storey scale of the extension means neither 147 nor 151 would be overlooked while there are no windows proposed to either side of the extension. As such, there would no harm to the amenity of either property in this regard.
14. Nevertheless, for the reasons set out, I conclude that the proposed extension would materially harm the amenity of adjoining premises in terms of loss of light to the rear garden area of the adjoining premises at No 147 Colin Crescent. Although not determinative, this would also conflict with the aims of Policies CS1 and CS5 of the CS⁴ and DM01 of the DMP⁵ which seek to ensure development proposals are designed to allow for adequate sunlight for adjoining and potential occupiers and users, among other things.

Conclusion

15. For the reasons given above, I therefore conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

⁴ Barnet's Local Plan (Core Strategy) Development Plan Document (adopted September 2012)

⁵ Barnet's Local Plan (Development Management Policies) Development Plan Document (adopted September 2012)