



Appeal Decision

Site visit made on 15 November 2022

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/N5090/D/22/3302018 67 Oakleigh Park North, London N20 9AU

- 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 Dinos Ioannou against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 22/1275/HSE, dated 10 March 2022, was refused by notice dated 11 May 2022.
 - The development proposed is described as: First floor front infill and rear extensions with terrace area metal balustrades. Alteration to roof to include new mansard roof.
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Decision

1. The appeal is allowed, and planning permission is granted for first floor front infill and rear extensions with terrace area metal balustrades. Alteration to roof to include new mansard roof, at 67 Oakleigh Park North, London N20 9AU in accordance with the terms of the application, Ref: 22/1275/HSE, dated 10 March 2022, 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: 308-008; 308-011; 308-012; 308-013; 308-014; 308-015; 308-016; 308-021 Rev G; 308-022 Rev K; 308-023 Rev E; 308-024; 308-025 Rev D; and 308-026 Rev D.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The planning application form describes the proposed development as 'Front and rear extensions plus roof alterations' whereas the Decision Notice issued by the Council uses the description 'First floor front infill and rear extensions with terrace area metal balustrades. Alteration to roof to include new mansard roof.' There is no information which would indicate that this change was agreed with the appellant, although I note that the appellant has adopted the Council's description on the appeal form. As the description used by the Council more accurately describes the development proposed, I have also used this for the purposes of the appeal.

Main Issues

3. The main issues in this appeal are:

- The effect of the proposed development on the character and appearance of the area; and
- The effect of the proposed development on the living conditions of the occupiers of the neighbouring properties at 65 and 69 Oakleigh Park North.

Reasons

Character and appearance

4. The appeal building is a detached house standing in a large garden. It is two storeys in height and constructed in a buff coloured brick under a hipped, crown, roof set back behind a low parapet. The roof is covered with a red tile. The building has a rectangular ground floor plan and an offset first floor plan resulting in a set back element in both the front and rear elevations of the building. The evidence indicates that the building has been extended previously resulting in its present built form. I am advised that the appeal building is not Listed, nor is it within a Conservation Area.
5. The appeal building is located on a wide street within a predominantly residential area. There is a range of building designs and ages present in the street and considerable variety in terms of materials, roof forms, and details. In general, the buildings are set back from the highway with gardens and/or driveways to the front, are detached in form, and are largely two storeys in height, with some also having rooms within the roof space. A short distance to the northwest are two relatively large, modern, three storey blocks of flats.
6. It was also apparent from my site visit that many of the houses in the street have been altered or extended. This notwithstanding, the wide variation in design and materials gives the street a lively and interesting architectural character, although there is no one, defining, architectural style. Oakleigh Park South displays a similar architectural diversity whilst, to the north, Chandos Avenue has a much more homogeneous appearance.
7. The proposed extensions would result in the present set back in the first floor front elevation being infilled level with the main part of the elevation. The first floor rear extension would be built partly over an existing, flat roofed, ground floor rear addition, and result in straight elevation at first floor level. The remainder of the flat roofed area would be utilised to form a first floor terrace.
8. The proposed front extension would slightly increase the perceived width of the front elevation of the building but would, nonetheless, maintain the current separation between the appeal building and its neighbour at number 69 as it would not project past the line of the present side wall. Due to its relatively small size in relation to the existing house, it would not dominate the front elevation and would be seen as integrated with it. As it would be constructed above an existing ground floor element of the house, it would also result in a more consistent parapet line and create a more unified and visually balanced façade.
9. The Council's Residential Design Guidance Supplementary Planning Document 2016 (the SPD) sets out that two storey rear extensions which are closer than

2 metres to a neighbouring boundary, as is the case here, and which project more than 3 metres in depth are not normally considered acceptable due to the potential effect on the living conditions of neighbouring occupiers. The present first floor rear elevation of the house is staggered and, consequently, the proposed rear extension to it would project approximately 3 metres on one side and approximately 4.5 metres to the other to create a new, straight, rear elevation.

10. My attention has been drawn to a previous appeal decision for an earlier iteration of proposed extensions to the house (Appeal Reference: APP/N5090/D/21/3279603) where the Inspector found that the rear extension then proposed would be a large and disproportionate addition to the house, resulting in an unduly elongated building. I have been provided with the proposed first floor plan for this earlier proposal which shows an extension that covers the majority of the existing flat roofed rear ground floor addition.
11. The current proposal reduces the projection of the proposed first floor rear extension by approximately 2 metres. As now proposed, the extension would not project significantly beyond the two storey rear wall of the house at number 65 or the large box dormer to the rear of number 69. I saw when I visited the site that approximately one third of the width of the proposed rear extension would exceed the 3 metre projection recommended by the guidance in the SPD. The SPD is, however, only guidance and the wording of it does indicate that there is a degree of flexibility in its application depending on site specific circumstances.
12. Due to its location between two other houses and the relatively small gaps between the properties, the resulting depth of plan of the appeal building would not be readily perceptible except from within the gaps between the buildings. Although the appeal building backs onto houses in Chandos Avenue, due to the long rear gardens in the area, the separation distance is considerable and from here the proposed extension would be seen in context with the rear elevations of the neighbouring houses. There is also a degree of tree screening within the gardens. Consequently, the visual effect of the proposed extensions from most public and private viewpoints would be minimal.
13. I am mindful of the conclusions of the previous Inspector, nevertheless, for the above reasons, I find that the reduced scale of the currently proposed rear extension would not significantly alter the character and appearance of the area.
14. I have also noted that the previous Inspector found the proposed replacement roof structure to be acceptable in visual terms and that the Council have not raised any objections to this aspect of the current proposal, which is reduced in size from the previous scheme as a result in the reduction in projection of the extension. From what I have read and from what I saw when I visited the site, I have no reason to reach a different conclusion as the new roof structure would visually unify the property.
15. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would not conflict with the relevant requirements of Policies CS1 and CS5 of the Barnet Core Strategy 2012 (the Core Strategy); Policy DM01 of the Barnet Development Management Policies Development Plan Document 2012 (the DMPDPD), or the SPD which when read together seek to ensure, amongst other matters, that

new development is of a high standard of design that has regard to its context and local characteristics.

Living conditions of the neighbouring occupiers

16. The Council has not raised any objections to the proposal on the grounds of loss of light or overshadowing to the neighbouring properties at numbers 65 and 69 Oakleigh Park, nor has it raised objections with regard to loss of outlook or potential noise disturbance. The Council's principal concern is that the proposed first floor rear roof terrace would result in an unacceptable degree of overlooking to the rear of these neighbouring properties.
17. I have noted that although the Inspector in the previous case dismissed the appeal for other reasons, they did not find any harm to the living conditions of the occupiers of the neighbouring properties. In that case, whilst there was a roof terrace proposed, from the evidence I have been provided with, this was smaller than that currently proposed and located to one side of the appeal building. The scheme before me proposes a roof terrace of an essentially similar depth to the previous proposal but which would extend across the whole width of the appeal building. It is proposed that a 1.6 metre high etched glass screen would be erected at each end facing the neighbouring properties.
18. The proposed terrace would project beyond the rear wall of number 65 Oakleigh Park and be approximately level with the rear wall of number 69 at ground floor level but would extend beyond the box dormer at the first floor level of the house. There are windows in the rear elevation of both neighbouring houses and number 65 also has windows in the side elevation. However, the first floor windows in number 69 and the side windows at number 65 would be behind the line of the proposed terrace. The windows in the rear elevation of number 65 would be generally on the same plane as the rear of the proposed terrace. I am satisfied that the combination of the relative positions of the proposed terrace and the neighbouring buildings, and the proposed 1.6 metre high screens at each end of the terrace would prevent any direct line of sight from the terrace into the windows of adjacent houses.
19. As the proposed terrace would be elevated and the larger size may encourage longer times spent outside, there is potential for casual overlooking of the rear gardens of the neighbouring properties. Nonetheless, it was apparent from my site visit that there is already the potential for a degree of casual overlooking of the gardens of the neighbouring properties from the existing rear first floor windows of the appeal building. In addition, it is common for there to be an element of mutual overlooking of garden areas between neighbouring properties in urban areas. Within this context, the proposal would not result in a significant increase in casual overlooking over and above the existing situation.
20. It has been raised in correspondence from interested parties that the earlier planning permission for the existing ground floor rear extension was granted subject to a condition that the flat roof could not be used for the purposes of a roof terrace. However, I have not had sight of this planning permission and so cannot verify this and do not know either the wording of this condition, or the reasons for imposing it. In any event, the proposal before me now has to be considered on its own merits.

21. The Council has not raised any concerns in respect of the effect of the proposed development in terms of sunlight and daylight or outlook from neighbouring properties. Comments regarding these matters were however received from the occupiers of the neighbouring houses.
22. There are a number of windows in the side elevation of number 65 Oakleigh Park North which face towards the appeal building and from the evidence these appear to be to habitable rooms. Due to the orientation and relative positions of number 65 and the appeal building, these windows will presently receive little direct sunlight. The increased height and length of the appeal building resulting from the proposed extensions may reduce the amount of daylight received by these side windows but there is no substantive technical evidence that would demonstrate that any reduction would be to an extent that would be harmful to the living conditions of the occupiers.
23. I saw when I visited the site that the outlook from most of the windows in the side elevation of number 65 is presently constrained to some degree by their relative positions and proximity to the appeal building. Nevertheless, the appeal proposal would result in the rear of the appeal building being extended in front of an oriel window at first floor level and a new section of mansard roof being constructed in front of a second floor window towards the rear part of the side wall of number 65.
24. Although the outlook from the first floor oriel window is presently partly constrained by the side wall of the appeal building, the proposed first floor extension to the appeal building would further truncate the outlook from this window. It is not clear from the evidence whether this is the only window serving the room. I saw when I visited the site that there is a window on the first floor rear elevation, the position of which strongly suggests that it serves the same room. In these circumstances, the reduction in outlook from one window would not have a significant effect. Even if this were not to be the case, the three sided design of the oriel window means that it would retain some aspect over the gardens to the rear of the buildings.
25. With regard to the second floor window, because number 65 is situated at a higher level than the appeal building, this presently has a largely unobstructed outlook, although parts of the roof of the appeal building may be visible in oblique views. The appeal proposal would result in a section of roof being built in front of the bottom half of this window. This would undoubtedly change the aspect from it, but change does not necessarily equate to harm.
26. As the proposed new roof would be inset from the parapet of the appeal building and the overall height would not result in the entirety of the outlook from this window being impinged upon, I do not find that the outlook from this window would be so altered as to have a harmful effect.
27. Number 65 Oakleigh Park North is a substantial house, and the appeal proposal would only have a noticeable effect on the outlook from one window. It would not make the house as a whole a significantly less pleasant place to live.
28. Number 69 Oakleigh Park North is set back behind the front elevation of the appeal building by approximately 5 metres. In the part of the front elevation of this house closest to the appeal building, there are windows at both ground and first floor level. Due to the topography of the area, the appeal building sits at a higher level than number 69.

29. I saw when I visited the site that the corner of the garage at the appeal building may potentially be visible in oblique views from the ground floor window of the number 69. The proposed first floor front extension to the appeal building would be built over the footprint of the existing ground floor and the first floor window of number 69 is directly above, and the same dimensions as, the ground floor window. In this context, the proposed first floor extension would also potentially be visible in oblique views from the first floor window. However, the effect of this on the outlook from this window would be slight.
30. The proposed extension would also result in a greater amount of brickwork, rising to a higher level, close to the common boundary between the two properties. Whilst this would be noticeable, the frontage of number 69 is relatively wide and is given over to parking. The principal entrance to the house is also roughly central in the building façade and set some distance off the boundary. The proposed extension would have some effect but, for the above reasons, I do not consider that it would appear overly dominant or oppressive.
31. I therefore conclude that the proposed development would not cause harm to the living conditions of the occupiers of the neighbouring properties at 65 and 69 Oakleigh Park North. It would comply with the relevant requirements of CS5 of the Core Strategy; policies DM01 and DM02 of the DMPDPD; the SPD and the Council's Sustainable Design and Construction Supplementary Planning Document 2016 which, when read together, expect new development to protect and enhance the gardens of residential properties and not adversely affect the living conditions of the occupiers of neighbouring properties.

Conditions

32. I have had regard to the conditions that have been suggested by the Council. In order to provide certainty in respect of what has been granted planning permission, I have attached a condition specifying the approved drawings. In the interests of maintaining the external appearance of the building, it is necessary to impose a condition requiring that the proposed extensions are constructed using external materials that match those of the existing house.

Conclusion

33. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

John Dowsett

INSPECTOR