The Planning Inspectorate

Appeal Decision

Site visit made on 27 March 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/N5090/D/23/3315744

12 Newton Avenue, Muswell Hill, Barnet, London N10 2NB

- 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 Rajiv Desai against the decision of the Council of the London Borough of Barnet.
- The application Ref 22/5117/HSE, dated 18 October 2022, was refused by notice dated 10 January 2023.
- The development proposed is a single storey rear extension, conversion of a garage to a habitable room and a porch.

Application for Costs

1. An application for costs was made by Mr Rajiv Desai against the Council of the London Borough of Barnet. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for a single storey rear extension, conversion of a garage to a habitable room and a porch in accordance with the terms of the application Ref 22/5117/HSE, dated 18 October 2022, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL00, PL01, PL101, PL111, PL112, PL301, PL311, PL312 and PL313.

    3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

    4) The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

    5) Before the development permitted is first occupied, a privacy screen shall be installed on the boundary with 11 Newton Avenue in accordance

with details first submitted to and approved in writing by the Local Planning Authority. The screen shall be retained as approved thereafter.

Main issue

3. Taking into account the Council's reason for refusing the application and neighbours' comments, the main issue is the effect of the proposal on living conditions at neighbouring properties.

Reasons

4. 12 and 13 Newton Avenue are a pair of semi-detached houses set on land which slopes down away from the road. No 12 is also linked to the house on the other side, No 11, by their flat roofed garages. The proposal would replace a small, flat roofed, single storey extension and raised patio with a similar but much larger extension that would stretch the full width of the house and garage. The garage space would be converted and a small front extension added.

5. The Council's concern is about the impact of the rear extension on the outlook from No 13 next door. The proposed extension would be about 3.5m deep on this side and would sit right up to the shared boundary. No 13 has a covered patio area to the rear, at a slightly lower level, with an obscure glazed ground floor window at the back of the garage structure. Farther away from the shared boundary is a clear glazed ground floor window, which appears to serve a habitable room, and then a conservatory.

6. The Council's Residential Design Guidance Supplementary Planning Document (RDG) advises that 3.5m deep single storey rear extensions to semi-detached properties are normally considered to be acceptable. The proposal is in line with that broad guidance. Although the sloping situation here does mean that the new structure would be higher than normal for a rear extension, its impact on No 13's rear patio would be limited by the presence of a high timber partition on No 13's side of the boundary. The effect on outlook from an obscure glazed window is not a significant consideration and the other rear window and the conservatory are far enough away to avoid significant effects. For similar reasons, the extension would not cause undue overshadowing to the patio area, windows or conservatory. There would be no side windows in the extension and hence minimal effect on privacy at No 13.

7. The neighbour at No 11 also objects. The extension would only be about 3m deep on that boundary, however, so that it would be no more than a modest intrusion into the otherwise open outlook from the rear of that property and would cause relatively little loss of light despite the northern orientation. Again, there would be no side windows. The proposal does include a narrow patio and steps that could give some views towards No 11 at close range. Although the new patio would be at a slightly higher level than the existing patio, it would be much smaller and views could be blocked by a small section of privacy screen, as indicated on the plans.

8. Finally, there are also objections from neighbours at 10 Newton Avenue and 4 Pembroke Mews, to the rear. The impacts on these properties would be minimal. There would be some increased overlooking towards No 4, but this would mainly consist of views of a gable wall and must be assessed in the context of existing overlooking from higher level windows.

9. I conclude that the proposal would not significantly or unacceptably affect living conditions at neighbouring properties. It accords with the aims of Barnet's Local Plan Core Strategy policy CS5, Barnet's Local Plan Development Management Policies policy DM01 and the RDG, to secure high quality design that allows for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers.

10. I have taken into account the other points raised by local objectors. In particular, I consider that the extension would be proportionate to the house and the plot, leaving sufficient garden space, and that the small front extension would fit in well with the house and street scene. Issues about rain water run off and potential subsidence fall to be dealt with through other legislation.

11. I impose a condition specifying the relevant plans to provide certainty. A condition requiring the use of matching materials is necessary to protect the character and appearance of the house and the local area. Conditions restricting use of the approved flat roof and requiring a new privacy screen next to No 11 are needed to protect neighbours' privacy.

12. For the reasons set out above, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR