



Appeal Decision

Site visit made on 13 March 2023

by J N Seymour BA (hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2023

Appeal Ref: APP/N5090/D/23/3314736

44 Woodcote Avenue, Mill Hill, Barnet, London, NW7 2PB

- 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 Mrs Nicola Clarke against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 22/5187/HSE, dated 21 October 2022, was refused by notice dated 19 December 2022.
 - The development is described as 'First floor side extension'.
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Decision

1. The appeal is allowed and planning permission is granted for the development, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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 entitled: Site Location Plan, WA PA 02 rev A, WA PA 01 rev A and WA PA 03 rev A.
 - 3) The external materials of the development hereby permitted shall match those used in the construction of the existing building.

Main Issue

2. The main issue for this appeal is the effect on living conditions, with particular attention being paid to the effect to habitable rooms on the first floor rear elevation of 40 Rushden Gardens.

Reasons

3. Policy DM01 of the Barnet Development Management Policies 2012 (DPD) advocates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Similarly, the Barnet Residential Design Guidance Supplementary Planning Document 2016 (SPD) states that extensions to properties should not be overbearing or unduly obtrusive and care should be taken to ensure they do not result in loss of light particularly for main windows serving principal rooms and loss of outlook, amongst other things.
4. The appeal property is set at an angle to its neighbour, 40 Rushden Gardens. The proposed extension has been designed with a hipped roof to replicate the existing roof form of the dwelling. With the roof structure therefore being

angled away from 40 Rushden Gardens it would mitigate any overbearing impact it would have for the occupiers of the neighbouring property, both within its rear garden or from within the dwelling itself. The extension would be no higher than the highest part of the existing dwelling and it would not involve an enlargement of the property beyond its existing side elevation that would bring it any closer with the neighbouring property.

5. The design of the extension in terms of its hipped roof and the fact it does not extend the full depth of the main dwelling would also ensure that the first floor windows on the rear of 40 Rushden Gardens would have adequate access to natural daylight. The fact the neighbouring property is angled away from the appeal site also helps in this regard.
6. The outlook for the occupiers of 40 Rushden Gardens from their first floor rear windows would be broadly similar to what it is now, except for oblique views of the new extension, which is not unreasonable in an urban residential environment such as this. The side elevation of the proposed extension does not contain any windows so there would be no increase in overlooking into the habitable rooms of 40 Rushden Gardens. The proposed development would therefore comply with Policy DM01 and the SPD, the aims of which I have set out above.

Other Matters

7. Although the Council did not specify the design of the extension was part of its reason for refusal, it has cited Policy D4 of the London Plan entitled 'Delivering Good Design'. The extension would be set down from the highest part of the dwelling and it does not extend the full depth of the existing dwelling. Therefore, I have judged the extension to be a subservient addition to the dwelling and appropriately designed, subject to a condition securing matching building materials are used in its construction.
8. Finally, the Council has cited Policies CS1 and CS5 from the Council's Local Plan Core Strategy. CS1 is a strategic policy relating to the number of new homes to be built in the Borough over the plan period, which is not determinative to this householder appeal. Policy CS5 relates to creating buildings of high quality design and I have explained above that the extension has been appropriately designed, thereby satisfying this policy. To ensure the extension integrates appropriately with the main dwelling, I have included a condition for matching building materials to be used in the construction of the development.

Conclusion

9. For the reasons contained in this letter, I conclude that the appeal is allowed, subject to the conditions set out above.

J N Seymour

INSPECTOR