



Appeal Decision

Site visit made on 25 April 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 17TH May 2023

Appeal Ref: APP/N5090/D/23/3317122

81 Margaret Road, New Barnet, Barnet EN4 9NX

- 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 Abby Saleh against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/4683/HSE, dated 17 September 2022, was refused by notice dated 2 December 2022.
 - The development proposed is the erection of a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

Reasons

3. The appeal property is an extended detached bungalow, with accommodation within the roofslope, situated between 2-storey dwellings. The bedrooms within the roofspace possess rooflights and they face towards the flank walls of the neighbouring properties.
4. At the rear of the property is a single storey addition and the proposed development is to erect a first floor extension above part of this addition. The design of the appeal scheme would replicate the host property's roof form and create an additional bedroom within the roofspace. This proposed bedroom would have rooflights within the roofspaces that would face towards the neighbouring properties.
5. There is a 2-storey bay window within the side elevation of 79 Margaret Road. The windows serve habitable rooms at both ground and first floor levels. By reason of siting, including its height above the bedroom's floor level, one of the proposed rooflights would have an outlook towards the first floor bay window of No. 79. This outlook would adversely affect the privacy of the occupiers of this neighbouring property.
6. Further, the outlook from the first floor window of No. 79 would be visually dominated by the roof of the resulting property and there would be some degree of reduction in the level of sunlight reaching the bedroom. Although it is noted that the occupiers of No. 79 have not objected to the appeal scheme

this does not alter the assessment because others may well occupy this property at a future date.

7. The proposed rooflight facing towards No. 83 would provide an outlook towards the side elevation of this neighbouring property. However, there would not be the same degree of harm caused to the occupiers of No. 83 because any overlooking and loss of privacy would be limited to part of the amenity area. However, this assessment does not outweigh the unacceptable harm to the living conditions of the occupiers of No. 79 which has been identified.
8. The potential to impose a condition to require the proposed rooflights to be obscurely glazed and limited in the extent of their opening has been considered in order to protect the privacy of the occupiers of No. 79 and, to a lesser degree, No. 83. However, the proposed bedroom would be a habitable room and, as such, it would be reasonable to expect that the future occupiers would have a suitable outlook from any openings and, particularly within a roofspace, have access to an appropriate means of natural ventilation. Accordingly such conditions would be inappropriate in this case. Further, reliance cannot be placed upon blinds being fitted by the appellant to the proposed rooflights and for them to be kept permanently closed to protect the privacy of the occupiers of the neighbouring properties.
9. The appellant has referred to other alterations which have occurred to dwellings within the surrounding area. However, the planning circumstances of these other schemes, including their relationship to their neighbouring properties, have not been provided and this appeal has been determined based upon its own circumstances.
10. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 79 Margaret Road and, as such, there would be a conflict with Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document and Policy D6 of the London Plan. Amongst other matters, these policies require development proposals to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policies CS1 and CS5 of the Core Strategy Development Plan Document do not directly assess living conditions matters. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR