
Appeal Decision

Site visit made on 10 May 2023

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2023

Appeal Ref: APP/N5090/D/23/3317366

42 Cloister Road, Cricklewood, Barnet, NW2 2NP

- 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 Serpil Vieira against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/5487/RCU, dated 11 November 2022, was refused by notice dated 8 February 2022.
 - The development proposed is retrospective permission to erect conservatory to rear of property.
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Decision

1. The appeal is allowed and planning permission is granted for erection of conservatory to rear of property at 42 Cloister Road, Cricklewood, Barnet, NW2 2NP, in accordance with the terms of the application Ref 22/5487/RCU, dated 11 November 2022, and the plans submitted with it, namely location plan, block plan, SV-07, SV- 08, SV-09 and SV-10.

Main issues

2. I consider that the main issues in this case are its effect on the character and appearance of the area and on the living conditions of residents.

Reasons

3. 42 Cloister Road is a two storey end of terrace house. It has a single storey rear extension across the width of the house which projects approximately 4m and is similar in size and form to several other extensions to the houses along the street. The single storey conservatory the subject of this appeal has already been constructed.
4. The relevant policies in this case include D3 of the London Plan (2021) and CS1 and CS5 of the Barnet Local Plan (Core Strategy) DPD (2012) (the Core Strategy) which are broadly strategic policies relating, among other things, to design. Policies DM01 and DM02 of the Barnet Local Plan Development Management Policies DPD (2012) (the DPD) relate to more detailed aspects of design and the quality and protection of residential amenity.
5. Also relevant is the Council's Supplementary Planning Document *Residential Design Guidance* 2016 which includes advice regarding extensions to houses and their impact on neighbouring properties in terms of, for example, privacy, loss of outlook and overshadowing. The depth of rear extensions should be

- limited and should not result in a significant sense of enclosure or an unacceptable reduction in the size of the garden.
6. The conservatory extends across the full width of the house and is of white UPVC with glazing above solid walls at the sides, full glazing across the back and a clear roof. It extends approximately 2.9m beyond the earlier rear extension which is itself approximately 4m in depth. The cumulative depth of the conservatory and the extension exceeds what would normally be acceptable as set out in the SPD in order to protect neighbours from overbearing extensions which can result in overshadowing and loss of light and privacy.
 7. I consider that the conservatory is relatively modest in its height and projection from the existing extension. Its lightweight structure does not appear obtrusive or overbearing in the context of the house itself and the surrounding properties. No. 40 is unusual along this side of the street in that it has no rear extension, otherwise a variety of single storey rear extensions similar to the earlier one at No. 42 appears as characteristic of the area. The conservatory is not visible from the street.
 8. I conclude that the conservatory does not appear unduly prominent or out of scale with the house or its neighbours and that it does not harm the character and appearance of the area. In this respect, it is not contrary to policies D3 of the London Plan, CS5 of the Core Strategy and DM01 of the DPD.
 9. I consider that the conservatory has a very limited impact on the outlook from the properties on either side. There are high timber fences on both boundaries which limit the outlook from the windows of those properties. The amount of the structure visible above the fencing from either side is minimal and creates no more sense of enclosure or loss of light than the existing fences. Any impact is further ameliorated by the orientation of the houses towards the south-southeast and the generous length of the gardens.
 10. I conclude that the conservatory does not harm the living conditions of the neighbours and that, in this respect, it is not contrary to policies CS1 and CS5 of the Core Strategy and DM01 and DM02 of the DPD.
 11. For the reasons given above, the appeal is allowed.

Conditions

12. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. Since the development had already been carried out these are not necessary.

PAG Metcalfe

INSPECTOR