
Appeal Decision

Site visit made on 6 June 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2023

Appeal Ref: APP/N5090/D/23/3318152
9 Sphinx Way, Underhill, Barnet EN5 2FG

- 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 Sarah Patwary against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/6000/HSE, dated 17 December 2022, was refused by notice dated 15 February 2023.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's second reason for refusal refers to the neighbouring occupiers to the site as 7 and 9 Sphinx Way. I have assumed this reference is an error because the adjacent properties to the site are 7 and 11 Sphinx Way. I have proceeded on that basis.

Main issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host building and the local area;
 - the living conditions of the occupiers of Nos 7 and 11 with particular regard to visual impact and light; and
 - whether the proposal would provide satisfactory living conditions for the occupiers of No 9 with reference to outdoor amenity space.

Reasons

Character and appearance

4. The appeal property is a 2-storey mid-terrace house within a modern estate style residential area within there are clusters of dwellings that share the same design and general appearance and broadly follow the same building lines. That pattern is evident in the terrace to which No 9 belongs in which the appeal dwelling marks the transition point where one group of properties with a common style and a consistent rear build line gives way to another.
5. The proposal is to introduce a full width extension with a mono pitched roof at the back of No 9 that would project outwards from the main rear wall by about

3-metres. In many situations, an extension of this width and depth would normally be regarded as a proportionate addition to the host building, taking into account the advice set out in the Council's Supplementary Planning Document: Residential Design Guidance (RDG). The use of external materials to match the existing dwelling would also be appropriate.

6. However, in this case, the new built form would disrupt the flat 2-storey rear wall of the appeal dwelling, which is also a distinctive feature of the terrace to one side of the site within which properties share the same style and rear build line. By disturbing this notable pattern, the proposal would undermine what appears to be an original design feature of this part of the residential estate. As the only example of such development in this section of the terrace, the appeal scheme would draw the eye from the back gardens of the properties on either side of the site as a visually disruptive and an uncharacteristic intrusion.
7. I recognise that residential areas will evolve with changes made to properties over time to reflect the changing needs and circumstances of its occupiers. That process already appears to be underway with a sizeable extension and a dormer introduced at the rear of a property further along a different section of the terrace of which No 9 forms part. From what I saw, this existing extension and dormer attach to a dwelling that contrasts in style to the appeal dwelling and I am unaware of the background to this development. Consequently, I cannot be certain that the circumstances are the same or very similar to those of the proposal that, in any event, must be assessed on its own merits.
8. In my experience, change that is compatible with local character can positively contribute to an area not least by adding some visual interest and enhancing diversity. However, the process of change does not in itself justify introducing a discordant form of development, as sought.
9. On the first main issue, I therefore conclude that the proposed development would cause significant harm to the character and appearance of the host building and the local area. As such, it is contrary to Policy CS5 of the Barnet's Local Plan (Core Strategy) (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) (DMP) and the RDG. Together, these policies and guidance aim to ensure that development respects local context and preserves and enhances local character.

Living conditions – occupiers of Nos 7 and 11

10. The new flank walls would be up to and parallel with the shared rear boundaries with Nos 7 and 11. As a result, the external space nearest to the rear of these attached properties would be partly enclosed and the proposal would be evident from both here and the rear windows of both dwellings.
11. As No 7 is to the south of the site, there would be no appreciable loss of natural light to the rear of this neighbouring property with the new built form in place. From what I saw, the main direction of outlook from the rear windows of No 7 across its back garden would be largely unaffected by the proposal.
12. The new extension would, however, project well beyond the main rear wall of No 11, which is set back from the rear of the existing appeal dwelling, due to the staggered build line to this part of the terrace. When seen from the ground floor rear windows of No 11 nearest to the proposal, which is hereafter referred to as the window, and the external patio, the new flank wall would present a

new and substantial feature. Due to its outward projection, height and position up to the common boundary, the new extension would be unduly imposing on the occupiers of No 11. There would be some loss of natural light to the room served by the window during a major part of the day due to the overshadowing effect of the proposal just to the south. The effect of overshadowing would accentuate the harmful visual impact of the proposal when viewed from the window and the external patio of No 11.

13. On the second main issue, I conclude that the proposal would materially reduce the living conditions of the occupiers of No 11. Accordingly, it conflicts with CS Policy CS5, DMP Policy DM01, the RDG and Policies D3 and D5 of the London Plan insofar as they aim to safeguard residential amenity.

Living conditions – occupiers of No 9

14. With the new extension in place there would be a modest-sized garden left between the enlarged house and the rear boundary of the site. According to the Council, the size of the resultant garden would fall short of 55sqm by some considerable margin. This figure is identified in the Council's Supplementary Planning Document: *Sustainable Design and Construction (SD&C)* as the minimum amount of outdoor amenity space (OAS) that should be provided for a house of the size proposed. The appellant does not contest this finding.
15. The resultant OAS would be suitable for some day-to-day activities such as sitting out or drying clothes. However, its value to future occupiers as an attractive place for people to gather or as an area for activities such as children's play would be significantly reduced. The SD&C states that residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For the reasons given, that would be the case with the proposal before me.
16. On the third main issue, I conclude that the proposed development would not provide satisfactory living conditions for the occupiers of No 9. Accordingly, it conflicts with CS Policy CS5, DMP Policies DM01 and DM02, and the guidance within the Council's RDG and its SD&C. These policies and guidance aim to ensure that development provides adequate OAS and complies with relevant design standards.

Conclusion

17. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR