The Planning Inspectorate

Appeal Decision

Site visit made on 15 August 2023

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 24th August 2023

Appeal Ref: APP/N5090/C/22/3312871
Land at Ashford, 29 Barnet Road, Barnet EN5 3HB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Shakhawat Khandoker Hossain against an enforcement notice issued by London Borough of Barnet.
- The notice was issued on 15 November 2022.
- The breach of planning control as alleged in the notice is the erection of a canopy extension to the rear of the property.
- The requirements of the notice are
  1. Demolish the canopy
  2. Permanently remove from the property all constituent materials resulting from the works in 1. above.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

2. Various parties have referred to submitted plans being inaccurate. However, as this is an enforcement appeal, I am assessing the canopy extension that exists at the appeal site rather than submitted plans.

Main Issues

3. The main issues are the effect of the development (i) upon the character and appearance and (ii) upon the living conditions of occupiers of No 27 Barnet Road with particular regard to outlook and a sense of enclosure.

Reasons

Character and Appearance

4. The appeal property is a two storey detached dwelling in a largely residential area. To the rear of the dwelling, there is an elevated terrace area with steps providing access to the rest of the garden.

5. The development consists of a canopy extension above the terrace area. The canopy is made up of timber posts supporting a timber and polycarbonate roof which extends out from the dwelling by around 6.4 metres. It has a

height of around 3.1 metres measured from the terrace. Both sides also have metal sheets of different heights which are fixed to the wooden posts supporting the roof. The supporting timber posts to the front of the development extend to the end of the terrace.

6. Viewed from the garden, the size and depth of the canopy extension is disproportionate in comparison to both the host dwelling and garden. Whilst neighbouring dwellings do have extensions, they are not of a similar design or size to the canopy. The canopy extends beyond the host dwelling at both sides and is the full width of the garden. The mix of materials both to the top of the canopy and to the sides is incongruous and metal sheets are not normally found in a domestic setting. The height of the canopy is emphasised by the elevated terrace. There are also views of the development from neighbouring properties.

7. The canopy extension fails to integrate satisfactorily with the appeal dwelling and is an incongruous addition. The scale, height, depth, materials and design of the canopy extension are not in keeping with the appearance of the appeal dwelling or the surrounding dwellings. The development does therefore harm the character and appearance of the host dwelling and the surrounding area.

8. It is contrary to Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) which, amongst other things, refers to high quality design. It is also in conflict with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (the Core Strategy) and Policy D3 of the London Plan (2021) which collectively refer to enhancing and respecting local context and character. It is also contrary to the Residential Design Guidance Supplementary Planning Document (2016) which refers to extensions not looking too bulky and prominent compared to the main building and garden to which they relate. I find Policy CS1 of the Core Strategy to be less relevant than the other policies referred to as it relates to the Council's place shaping strategy.

Living Conditions

9. No 31 and No 27 Barnet Road are located to either side of the appeal dwelling and are also detached. Both dwellings have rear extensions but they are not of a similar depth to the development. The extension at No 27 is in line with the original building line of the appeal property. The extension at No 31 is roughly in line with the conservatory at the appeal dwelling. The Council has drawn a distinction between No 27 and No 31 in terms of harm due to differences in terms of built development in relation to the canopy.

10. Photographs have been provided by the occupiers of No 27 which shows the development as viewed from their kitchen and patio area. The development is overbearing and the height and depth of the side of the canopy can be clearly seen above the hedge at No 27. The view from the kitchen window does show the sense of enclosure arising from the canopy extension, particularly with the proximity of the canopy to the shared boundary.

11. I do consider that the development does harm the living conditions of the occupiers of No 27 with particular regard to outlook and a sense of enclosure. It is therefore contrary to Policy DM01 of the Local Plan (Development Management Policies) DPD (2012) and Policy D3 of the London Plan (2021) which collectively refer to allowing adequate outlook for adjoining occupiers.

It is also contrary to the Residential Design Guidance SPD (2016) which refers to the depth and height of an extension not causing a significant sense of enclosure or loss of outlook. Policies CS1 and CS5 of the Core Strategy are not relevant as they do not specifically refer to living conditions.

Conclusion

12. I have found that the development does harm the character and appearance of the host dwelling and the surrounding area. I have also found harm to the living conditions of the occupiers of No 27 with regard to outlook and a sense of enclosure. There are no material considerations to determine the appeal other than in accordance with the development plan.

13. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

E Griffin

INSPECTOR