



Appeal Decision

Site visit made on 27 July 2023 by N Unwin BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2023

Appeal Ref: APP/N5090/D/23/3319448

56 Woodside Park Road, London N12 8RS

- 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 Rizvan Qureshi against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/5433/HSE, dated 8 November 2022, was refused by notice dated 11 January 2023.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description of development above is from the decision notice. It most accurately, and concisely, identifies the development to which the appeal relates. The appellant refers to the same in their evidence and on the application form. The latter however also includes text pertaining to dimensions, materials and an assessment as to its effect in planning terms which, for the purposes of the banner header, is unnecessary. I have proceeded on this basis.

Main Issue

4. The effect of the proposal on i) the character and appearance of the area; and ii) the living conditions of the occupiers of Nos 54 and 58 Woodside Park Road with particular regard to outlook and outlook and sunlight respectively.

Reasons for the Recommendation

Character and Appearance

5. The appeal site forms part of a row of modest, well-proportioned semi-detached properties adjoining Woodside Park Road. Many have undergone alterations and extensions, mainly to the rear, that comprise a variety of materials. The majority have been designed to achieve subservience to the host dwelling, retaining their original form and giving the area an attractive and hierarchical consistency to its character.

6. The appeal property is a two-storey, semi-detached dwelling, similar in scale and design to others in the row. Both the appeal dwelling and adjoining property have large single-storey flat roofed extensions projecting to the rear. By virtue of their single-storey nature, these additions are subservient to their host, permitting their original design to be read and thus preserving the attractive homogeneity of the row.
7. The proposed first-floor extension would create a substantial and dominant addition to the rear elevation, detracting from its well-proportioned form. The use of a flat roof at first-floor level would further accentuate massing, adding to its visual prominence and oppressive appearance. The scale of the addition would obscure a large proportion of the original rear elevation, eroding the shared character and thus quality of the row. The use of bricks to match the appeal property would provide some visual connection, however it would fail to sufficiently mitigate the harm that would, as a result of the above, arise to the character and appearance of the area.
8. Accordingly, the proposal would be contrary to Policies CS1 and CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS), Policy DM01 of the Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP), and the Local Plan Supplementary Planning Document: Residential Design Guidance 2016 (SPD) which collectively require, amongst other things, new development to be subordinate to the original dwelling in addition to respecting local context and character.

Living Conditions

9. The appeal dwelling adjoins No 54, a two-storey property of a similar scale. There is no variation between the first-floor rear building line of No 54 and that of the appeal property. A first-floor window within the rear elevation of No 54 is within close proximity to the appeal site boundary.
10. The proposal would be marginally set back from said boundary, projecting substantially beyond the existing first-floor rear elevation. The expanse of unbroken wall within the immediate vicinity would appear prominent and overbearing when viewed from the rear first-floor window of No 54 closest to the boundary. The proposal would therefore result in unacceptable harm to the living conditions of the occupants of No 54.
11. No 58 shares a similar building line with the appeal property, with a modest gap between the side elevations of both buildings. No 58 sits at a slightly lower level than the appeal dwelling. A small conservatory adjoins the rear elevation of the property with a decked area beyond used for sitting out. Both the conservatory and decked area are adjacent to the single storey rear extension of the appeal dwelling. The appellant references planning permission 22/5338/HSE at No 58 for a 6m ground floor rear extension. As I have not been supplied with any further details, I cannot be sure of its specifics. As such, I refer to the situation at the time of my site visit.
12. The considerable projection of the proposal would create a large mass of unbroken wall at first-floor level close to No 58. When viewed from the neighbouring conservatory and decked area the proposed rear extension would appear an oppressive monolith, with its overbearing impact further exacerbated by the higher level of the appeal site. The proposal would therefore result in unacceptable harm to the living conditions of the occupants of No 58.

13. The appellant has referred to the Building Research Establishment Document Site Layout Planning for Daylight and Sunlight: A guide to good practice (BR 209). Whilst this is relevant in assessing matters such as daylight, sunlight, and overshadowing, it is not applicable to outlook. Given the existence of the ground floor rear extension of the appeal property, No 58 obtains limited levels of morning sunlight from the direction of the proposal. Consequently, the proposal is unlikely to have an unacceptable impact on the levels of sunlight received by the rear conservatory and decked area of No 58.
14. The Council has assessed the impacts of the proposal on the privacy of No 58, raising no concerns. There is no compelling evidence to support an alternative view. Whilst the proposal would not result in an unacceptable reduction in sunlight to the occupiers of No 58, it would have an unacceptable impact on the outlook of the occupiers of both No 58 and No 54 for the reasons set out. Accordingly, it would conflict with Policy CS5 of the CS, Policy DM01 of the DMP, the SPD and the Local Plan Supplementary Planning Document: Sustainable Design and Construction 2016 which, when read together and amongst other things, require new development to allow for adequate outlook of adjoining occupiers and to not be overbearing or unduly obtrusive.

Other Matters

15. The appeal site is not within a Conservation Area and the building is not listed. Nevertheless, the absence of designations is not a positive factor in favour of the proposed development and an assessment as to its effects is still required.
16. The appellant has referred me to other planning approvals for flat roofed rear extensions at first-floor level and rear extensions at first and second floor levels. However, I have not been supplied with any further details and cannot, as a result, be certain that the balance of considerations in those cases was the same as the appeal scheme. Furthermore, even if the first-floor rear window of No 54 closest to the appeal site and the conservatory of No 58 do not serve habitable rooms, this would not reduce the harm the proposed development would cause to the character and appearance of the area. My overall findings on the appeal scheme would therefore not change.

Conclusion and Recommendation

17. For the reasons given above, the proposed development would be contrary to the development plan and there are no material considerations worthy of sufficient weight that would indicate otherwise. I therefore recommend that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and, on that basis, I dismiss the appeal.

John Morrison

INSPECTOR