



Appeal Decision

Site visit made on 14 November 2023

by C Livingstone MA(SocSci) (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th January 2024

Appeal Ref: APP/N5090/W/23/3321448

1358 B High Road, Whetstone, Barnet, London N20 9HJ

- 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 Iacovos Yiakoumetti of Alphacube Properties Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/6003/FUL, dated 18 December 2022, was refused by notice dated 6 February 2023.
 - The development proposed is a rear extension to second floor flat.
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Preliminary Matter

1. Subsequent to the date of the Council's decision, the Government published its revised National Planning Policy Framework (the Framework). Having considered the role and content of revisions, I do not consider it necessary to re-consult the main parties about this change in national policy in relation to this case.

Decision

2. The appeal is allowed and planning permission is granted for a rear extension to second floor flat at 1358 B High Road, London N20 9HJ in accordance with the terms of the application, Ref 22/6003/FUL, dated 18 December 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule HRWB/AC/1 OF 5, HRWB/AC/2 OF 5, HRWB/AC/3 OF 5, HRWB/AC/4 OF 5 and HRWB/AC/5 OF 5.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. HRWB/AC/4 OF 5.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Main Issues

3. The main issues are:
 - The effect of the proposed extension on the character and appearance of the host property and surrounding area;
 - The effect of the proposed extension on the living conditions of the occupiers of 1356 High Road with particular regard to outlook.
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Reasons

Character and appearance

4. The application site is located within a mixed use area, the properties that front on to High Road mostly comprise of commercial premises on the ground floor with residential flats above. There is some variance in architectural styles in the area and this is reflected in different roof forms, which include traditional pitched roof buildings and more modern flat roofed commercial developments and blocks of flats. The appeal property is a residential flat above a commercial property at ground floor level. The rear of the property is served by a private access road off Chandos Avenue and from the street views of the rear elevation are screened by existing development. To the rear, the appeal property has a flat roofed extension at first floor level, this reflects neighbouring buildings which have also been extended to the rear to varying degrees.
5. The neighbouring property No. 1360 High Road has a second floor extension with a flat roof and is finished in brick. Within section 5.3 of the Officer report the Council stated that this extension did not have planning permission. However, within their statement of case they conceded that this statement was incorrect. There is now consensus between the main parties that planning permission was approved for the neighbouring second floor extension in 2014¹. The proposal is for the erection of a second floor extension, that would be constructed in brick to match existing, with a flat roof. The proposed extension would reflect the existing extension on the rear of neighbouring property No. 1360.
6. It is acknowledged that the neighbouring extension was approved prior to the adoption of Barnet's Residential Design Guidance Supplementary Planning Document 2016 (SPD). However, the proposed extension would mirror the existing extension and other similar developments to the rear of the row. As detailed above there are a variety of roof forms in the area and there are several examples of flat roof buildings at first floor level and above. As such, flat roofed buildings contribute to a defining characteristic of the area. The proposed external materials would reflect the existing building and would unify the proposed development with the appeal property.
7. The proposed extension would project over three metres from the rear elevation and the SPD states that first floor rear extensions should not exceed 3m deep. The SPD also discourages flat roofs on developments above ground floor level. However, while the development does not accord with elements of the SPD, I am satisfied that the development would not result in harm given that the proposed extension would reflect existing flat roofed developments and rear extensions in the area. Further, the extension would mirror a similar extension, on a neighbouring property, that was granted planning permission previously.
8. For the reasons stated above I conclude that the proposal would not have a harmful effect on the character and appearance of 1358 B High Road and the surrounding area. Despite technical breaches of some aspects of the SPD, the proposal would comply with the overall design aims of Policy CS5 of Barnet's Core Strategy 2012 (CS), Policy DM01 of Development Plan Document 2012

¹ B/03609/14

(DPD) which seek to secure high quality design which takes account of the local character and reflects the local surroundings and materials.

Living conditions

9. Based on the evidence before me, and my own observations, neighbouring property No. 1356 High Road appears have similar physical characteristics to the appeal site. In particular the neighbouring property mirrors the appeal property, insofar as it has a recessed second floor window on the main rear wall and a relatively shallow projecting section on the remainder of the rear elevation. The focus of the Council's concerns is centred on the impact of the proposal on the outlook from the second floor rear window on neighbouring property No. 1356 High Road.
10. Based on the submitted information the proposed second floor extension would project approximately 4.45m from the rear elevation at second floor level. Both of the main parties agree that the extension would be approximately 1.89m from the boundary with the neighbouring property 1356 High Road. The second floor windows on the rear elevation of No.1356, would be close to the proposed extension. However, it would be set back sufficiently to ensure that the existing wider outlook from the second floor windows of no. 1356 would be unaffected.
11. For the reasons stated above I conclude that the proposed extension would not have a harmful effect on the living conditions of the occupiers of 1356 High Road with particular regard to outlook. As such the proposal would comply with Policy CS5 of the CS and Policy DM01 of the DPD, which among other things aim to ensure proposals allow adequate outlook to neighbouring properties.

Conditions

12. I have attached conditions relating to the time limitations for the commencement of the development, compliance with the approved plans and proposed external materials in the interests of clarity and certainty and to protect the character and appearance of the area. A condition limiting the use of the roof of the proposed extension has been included to protect the residential amenity of the occupants of neighbouring properties.

Conclusion

13. For the reasons given above I conclude that the appeal is allowed subject to the conditions identified.

C Livingstone

INSPECTOR