



Appeal Decision

Site visit made on 1 February 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/N5090/D/23/3324576

12 Barfield Avenue, Whetstone, Barnet, London N20 0DE

- 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 N Santosh against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/2928/HSE, dated 31 May 2022, was refused by notice dated 31 May 2023.
 - The development proposed is described as an “extension of rear soffit to provide a canopy.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach.
3. The description in the banner heading has been taken from the planning application form. However, in addition to the works described, the proposed plans include a single storey rear extension, patio and two cellar windows. Given the Council's chosen description of development, they clearly considered these other matters as part of the proposal and so no injustice will arise if I do too.
4. The appeal site has been subject to a previous planning application¹ (the previous application), which is a material consideration in the determination of the appeal.
5. At the time of my site visit, work on the proposed development had commenced. However, it did not appear fully complete, and I have therefore considered the appeal based on the development applied for and the plans submitted with it.

¹ Previous application reference 21/3472/HSE

6. There is a discrepancy between the proposed rear elevation plan and proposed side elevation plan, insofar as the patio staircase does not match. However, this does not affect my considerations on the main issues.

Main Issues

7. The main issues are the effect of the proposed development on:
 - the living conditions of the occupiers of 14 Barfield Avenue, with particular regard to outlook, light and privacy, and
 - the character and appearance of the host property and area.

Reasons

Living conditions

8. The appeal property, 12 Barfield Avenue, forms a semi-detached pair with 10 Barfield Avenue and is adjacent to 14 Barfield Avenue, a two storey semi-detached property. Nos 12 and 14 are separated by their relatively narrow side gardens and close boarded timber fencing along the shared boundary.
9. The proposed patio would be elevated and close to the shared boundary with No 14. As a result of its height and siting, users of the patio would have direct views above the existing boundary fence, towards the rear facing windows serving No 14 and over its rear garden. This would therefore result in a harmful loss of privacy for the occupiers of No 14.
10. The Supplementary Planning Document: Residential Design Guidance October 2016 (SPD) requires, among other things, that extensions have regard to the residential amenity enjoyed by neighbours. The SPD advises that the depth of a single storey rear extension normally considered acceptable for semi-detached properties is 3.5 metres. The SPD further states that such proposals also need to ensure that the depth and/or height of the extension does not cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties.
11. The proposed flat roof and canopy would be visible from the rear garden of No 14. There would also be oblique views of the flat roof and canopy from rear facing windows within No 14. The rear extension would have a depth of approximately 3.5m and the proposed canopy would project beyond this by approximately 1.8m. While the canopy would exceed the depth for rear extensions as required by the SPD, it would be open sided.
12. Having regard to the orientation of and distance between Nos 12 and 14, together with the open sided design, the proposed canopy would not cause a significant sense of enclosure or result in a visually obtrusive or dominant form of development. As such, the proposed development would not result in a harmful loss of outlook for the occupiers of No 14.
13. The orientation, siting, height and open sided design of the canopy is such that any overshadowing would only affect a small area of No 14's rear garden and rear windows for relatively short periods of the day. On this basis, there would be no significant impact on daylight or sunlight reaching the garden or rear windows serving No 14.

14. The Council indicated that an effective screen fence, located along the shared boundary with No 10, which also has a raised patio, would not be unduly onerous. A similar style of screen fence, located along the side of the patio facing the shared boundary with No 14, also has the potential to mitigate any overlooking into the rear windows and garden of No 14. While this matter could be dealt with by way of a condition, the erection of a screen fence has the potential to partially enclose the side elevation of the patio that faces No 14. I cannot be certain, in the absence of precise details, whether such a proposal would have any implications in respect of the living conditions of the occupiers of No 14, or whether the interests of any third parties would be prejudiced.
15. For these reasons, I conclude that although the proposed development would not harm the living conditions of the occupiers of No 14, with regard to outlook and light, it would harm the living conditions of the occupiers of No 14, with regard to privacy. This is contrary to Policy D6 of the London Plan 2021 (LP), Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document September 2012 (DMP) and the guidance within the SPD. Collectively, these seek, among other things, to ensure that development is designed to allow for adequate privacy for adjoining occupiers. It is also contrary to the Framework which seeks, among other things, to ensure a high standard of amenity for existing users.
16. The Council have referred to LP Policy D3 and Policy C5 of Barnet's Local Plan Core Strategy Development Plan Document September 2012 (CS) within their reason for refusal. These policies relate to a design-led approach and protecting and enhancing Barnet's character. As they do not refer to living conditions of future occupiers, with regard to outlook, light and privacy, they are not relevant to the main issue.

Character and appearance

17. Properties along Barfield Avenue predominantly comprise modest two storey, semi-detached properties. Roof styles are largely pitched, although there are some flat roof single storey and dormer roof extensions in the area. While some properties have been extended, such development has typically been consistent with the modest proportions and broadly uniform fenestration of the built form locally. No 12 contributes towards the character and appearance of the area, by virtue of its semi-detached layout, uniform fenestration and modest scale.
18. In addition to advising a depth of rear single storey extension that is normally considered acceptable, the SPD also advises, among other things, that such extensions ensure that they do not look too bulky and prominent compared to the size of the main building.
19. The footprint of the proposed rear extension broadly mirrors that approved as part of the previous application and complies with the depth advised by the SPD. However, while the previous application included a pitched roof above the rear extension, the appeal scheme includes a flat roof, with a canopy extending beyond the rear of the proposed extension. The canopy would extend broadly the full depth and almost the full width of the proposed patio.
20. While there are limited examples of similar canopy structures within the area, the profile of the canopy is relatively slim and would reflect the proportions of the proposed flat roof and other flat roof extensions in the area. While the

canopy would exceed the depth for rear extensions as required by the SPD, its open sided design, together with its relatively shallow depth, would reduce its overall bulk and scale. As such, it would not appear as a prominent, incongruous, or bulky form of development and would reflect the design of the host property.

21. The proposed cellar windows would be small and located relatively discreetly below the proposed patio. They would broadly align with the two windows proposed within the ground floor rear extension. As a result of their location, size and alignment, the cellar windows would be unobtrusive features within the proposed development.
22. For these reasons, I conclude the proposed development would not result in harm to the character and appearance of the host property or area and would accord with LP Policy D3, CS Policy CS5, DMP Policy DM01 and the SPD. Collectively, these seek to ensure, among other things, that development positively responds to local distinctiveness, protects and enhances Barnet's character and respects local context and distinctive local character. It would also accord with the Framework, which seeks, among other things, to ensure development is visually attractive and sympathetic to local character.

Conclusion

23. Notwithstanding my conclusions on the living conditions of the occupiers of No 14, with regard to outlook and light, and the character and appearance of the host property and area, the harm I have identified to the living conditions of the occupiers of No 14 with regard to privacy is determinative. Therefore, the proposed development would conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with it. Consequently, the appeal is dismissed.

S Pearce

INSPECTOR