
Appeal Decision

Site visit made on 4 March 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21.03.2024

Appeal Ref: APP/N5090/D/23/3332542

72 Cloister Road, Cricklewood, London NW2 2NP

- 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 Adnan Oraha against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/3482/HSE, dated 9 August 2023, was refused by notice dated 24 October 2023.
 - The development proposed is a single storey rear extension and front extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and front extension in accordance with the terms of the application Ref 23/3482/HSE, dated 9 August 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 and 002.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Preliminary matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, during consideration of the appeal. Having regard to the changes in the Framework and to the comparatively minor scale and nature of this appeal proposal, I consider that further consultation on this matter is not necessary.

Main issue

3. The main issue is the effect of the proposal on living conditions at 74 Cloister Road next door, in terms of outlook and light.

Reasons

4. 72 and 74 Cloister Road are attached terraced houses sitting on land which slopes down to the rear. The proposal includes a small front extension plus the replacement of a conservatory at the back with a deeper and taller flat roofed extension across the full width of the plot. The Council's concern is about the rear extension only.
5. The Council's Supplementary Planning Document *Residential Design Guidance* (RDG) advises that the depth of a single storey rear extension normally considered acceptable for terraced properties is 3 metres. A key aim of this restriction in the RDG is to ensure that the depth and height of extensions do not cause a significant sense of enclosure or the loss of outlook from or light to the principal windows of habitable rooms of neighbouring properties.
6. Although the proposed 3.5m deep extension would only slightly exceed the 3m guideline, No 72 already sits back a couple of metres behind No 74 so that the development on the boundary would stretch over 5m back from the rear windows of No 74. The extension would, however, not be a particularly tall or intrusive feature in the outlook from No 74. It would be up to 3m in height on the boundary, but less than that on the higher ground nearer to No 74's rear windows. Only the top section would be seen above the high boundary fence. No 74 would retain a largely open outlook to the rear, with a wide prospect. The extension would therefore avoid being a dominant or intrusive visual feature in the outlook from the back of No 74.
7. The proposed flat roofed extension would sit to the north-west of the house and garden at No 74, so that it would cause only a limited amount of direct overshadowing. No 74 would furthermore retain a wide view of the sky so would continue to receive plenty of general daylight.
8. I conclude that, notwithstanding some conflict with the detailed guidance in the RDG, the proposal would not unacceptably affect living conditions at the next door property, No 74, in terms of impacts on outlook or light. It accords with policies D3 and D6 of the London Plan (LP), policies CS1 and CS5 of the Barnet Local Plan Core Strategy, policy DM01 of the Barnet Development Management Policies Development Plan Document and the RDG, which aim to secure high quality design that allows for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Although LP policy D6 is referenced in the Council's report, the decision notice refers to LP policy D5 instead. Policy D5 relates to accessible and inclusive design rather than to the impact on neighbours' living conditions, so does not appear to be directly relevant here.
9. I impose a condition specifying the relevant plans to provide certainty. A further condition requiring the use of matching materials is needed to protect the character and appearance of the house and the local area.
10. I find that the proposal accords with the development plan, taken as a whole. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR