



Appeal Decision

Site visit made on 10th April 2024

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 8 May 2024

Appeal Ref: APP/N5090/D/24/3337326

85 Laurel Way, Whetstone, Barnet, London N20 8HT

- 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 Nima Tahouri against the decision of the London Borough of Barnet.
 - The application Ref.23/3706/HSE dated 25 August 2023, was refused by notice dated 10 January 2024.
 - The development proposed is two storey side and rear extensions with raised patio area following demolition of the existing garage and existing extension and removal of rear chimney and alterations to existing front porch.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side and rear extensions with raised patio area following demolition of the existing garage and existing extension and removal of rear chimney and alterations to existing front porch at 85 Laurel Way, Whetstone, Barnet, London N20 8HT, in accordance with the terms of the application Ref.23/3706/HSE dated 25 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in strict accordance with the following approved plans: drawing nos LW851-11 (with obscured flank window), LW851-10, LW851-2 rev A and LW851-1.
 - 4) The roof of the ground/side extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any Order revoking and re-enacting that Order, no windows or doors other than those expressly authorised by this permission shall be placed at any time in the east and/or west side elevations of the extensions hereby approved.

Main Issues

2. The main issues in the appeal are the effect of the proposed first floor side/rear extension on the living conditions of the occupants of 83 Laurel Way with regard to outlook, and the effect of the proposal on the character and appearance of the host dwelling and wider area.

Reasons

Living conditions of occupants of 83 Laurel Way

3. The appeal site is a semi-detached dwelling of two storeys. It has off-street parking to the front and a garden to the rear. It is located on the south side of Laurel Way which is a residential road. Its semi-pair is no.87. On its south east side is no.83 Laurel Way which is also a two storey semi-detached property. The road is on an incline rising in a westerly direction. There are several examples of properties along the road which have been extended and altered, some at first floor rear and side level.
4. The proposal would involve demolishing the existing rear garage/shed and extension. Amongst other things, there would be a rear/side extension. The two storey element would be slightly below the main roof ridgeline. At the rear the single storey extension would extend to the common boundary with no.83 Laurel Way. The first floor extension from the rear would have a pitched roof with a hip and its ridge would be below the resulting two main roof ridges. A Juliette balcony prevents use of the flat roof for amenity purposes. The front porch would be extended across the frontage to sit close to the common boundary with no.83 with built development stretching back to the rear of the property.
5. No.83 Laurel Way has permission for an extension at ground and first floor level on the flank of the house facing the appeal site. The permitted scheme is not entirely dissimilar to the appeal proposal in its elements and spacing. On my site visit, construction works were underway at the house, apparently implementing the permission.
6. In terms of outlook from the rear of no.83 Laurel Way there are rear windows which have an aspect mainly towards its rear garden. No windows are proposed in the flank elevation facing the appeal site. Whilst the first floor extension of the proposed appeal scheme at no.85 would be obliquely visible, it would have a separation distance from the rear windows at no.83 which would prevent it causing undue enclosure for the views out of those windows. When in the garden of no.83, the proposed appeal scheme would not unduly interfere with the enjoyment of that amenity space given the separation distances.
7. At first floor level, a suitable separation distance would be maintained between nos 85 and 83 which would avoid any sense of enclosure for the occupants of no.83 when either approaching their front elevation or using their rear garden. In making this judgment I have borne in mind that the appeal site sits on higher ground but nevertheless the relationship between the two properties would avoid a loss of outlook for the occupants of no.83.

8. On this issue, I conclude that the proposed first rear/side extension would not result in an undue loss of outlook for the occupants of no.83 Laurel Way and would not be contrary to policy CS5 of the Barnet Local Plan Core Strategy (adopted 2012) or policy DM01 of the Barnet Local Plan Development Management Policies DPD (adopted 2012) or the Residential Design Guidance Supplementary Planning Document (adopted 2016).

Character and Appearance

9. From the front, the proposed extensions would give rise to a bulkier dwelling with the ground floor element being built very close to the common boundary with no.83 Laurel Way. Notwithstanding that, the impact would not be substantially different to the existing impact on the streetscene with a high front boundary fence extending out to the common boundary. At first floor level, the physical gap between the proposed first floor extension and the proposed first extension at no.83 would be sufficiently wide to prevent a terracing effect and vegetation in the distance would remain visible from the street. A sufficient sense of openness would be maintained, protecting the character of the street.
10. From the rear the appeal proposal would in part be built on the footprint of demolished extensions/outbuildings including the garage which is currently built up to the common boundary with no.83 Laurel Way. The ground floor extension would be reduced in bulk by its western end having a glazed pitch close to the common boundary with no.87. The first floor rear extension steps significantly back from the ground floor rear elevation as proposed, and its pitched roof would be well below the main roof ridge. Taking these factors together, the proposed additions to the dwelling would not result in an overly bulky or dominant set of extensions which would detract from the attractiveness of the dwelling. They would not look incongruous from the rear or from the streetscene.
11. Consequently, on this second issue, I conclude that the proposed development would not unduly harm the character or appearance of the host dwelling or the wider area. They would not be contrary to policy CS5 of the Barnet Local Plan Core Strategy (adopted 2012), policy DM01 of the Barnet Local Plan Development Management Policies DPD (adopted 2012) or the Residential Design Guidance SPD (adopted 2016).

Conditions

12. I have considered the imposition of conditions in the light of advice in National Planning Practice Guidance. A condition is imposed in order to tie the development strictly to the approved plans. This is to avoid uncertainty. In order to safeguard the character of the host dwelling and area there is a condition requiring the external materials to conform with the existing facing materials used in the existing dwelling. In order to safeguard privacy of neighbours, I have imposed a condition preventing use of the roof of the extension for amenity use and I consider that it is justified to remove some permitted development rights relating to additional windows and doors for the

same reason. I do not consider it necessary to impose any other suggested conditions given the approved plans detail.

Conclusion

13. Having taken into account all representations made, for the reasons given above, I allow the appeal subject to conditions.

Megan Thomas K.C.

INSPECTOR