



Appeal Decision

Site visit made on 7 May 2024

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

an Inspector appointed by the Secretary of State

Decision date: 3 June 2024

Appeal Ref: APP/N5090/W/23/3333558

101 Dollis Road, Church End, Barnet, London N3 1RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Aghdaei against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/2898/FUL.
 - The development proposed is for reduction in scale of ground floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for reduction in scale of ground floor rear extension at 101 Dollis Road, Church End, Barnet, London N3 1RE in accordance with the terms of the application, Ref 23/2898/FUL, subject to the attached schedule of conditions.

Preliminary Matters

2. The description in the banner heading and decision above was taken from the planning application form. However, I have removed wording that does not relate to development.
3. A Sunlight Amenity Report, dated 21 April 2023, was submitted as part of the appeal. This revised supporting information does not impact the scale of the scheme or alter the development. Interested parties have had an opportunity to review and make comments on the information submitted as part of the appeal. Therefore, I do not consider that the Council or any interested parties would be prejudiced by accepting this information.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupants of neighbouring property 99 Dollis Road with particular regard to light and outlook in their rear garden.

Reasons

5. The application relates to a large, detached building comprising of two separate flats. The property is set back from the building line of the nearest neighbour 99 Dollis Road (No.99) which is two storey and semi-detached. The ground level at the appeal site is varied and No.99 sits lower than the appeal property. There is an existing extension to the rear of 101 Dollis Road, which includes a narrow conservatory and a flat roof section which is of a significant height and has been built up to the boundary with No.99.

6. The proposal includes alterations of the existing flat roof to form a sloping section adjacent to the boundary with No.99 which would allow for a notable reduction of its height at the boundary with this property.
7. A Sunlight Amenity Report, dated 21 April 2023, produced by Waldrams was submitted in support of the appeal, which found that with the extension as currently built, 65% of the rear garden of No.99 would receive at least two hours of sunlight on 21 March. The report established that the proposal would be compliant with BRE Guidelines which recommend that 50% of an outdoor amenity space receives at least two hours of sunlight on 21 March. As the appeal proposal includes the reduction of the height of the flat roofed extension on the boundary of No.99 it is reasonable to presume that the proposal would result in an increased percentage of the rear garden having at least two hours of sunlight on the same day of the year, or at the very least there would be no change.
8. I acknowledge that the variance in ground level between the appeal property and No.99 would result in the single storey extension being higher than what would be typically expected, when viewed from the garden of No.99. However, based on the evidence before me there are several mature plants, within the rear garden of No.99, on the boundary of the appeal property. These would act to screen the reduced extension and mitigate its impact on outlook. Further, the current owner of this neighbouring property submitted a representation in relation to the appeal stating that they live in the property and that the extension does not affect them and they have no objections to it.
9. Within their report the Council refer to a previous appeal¹ for the retention of the extension as built. In their assessment the Inspector raised concerns regarding the height of the side wall of the extension, its dominance and resultant impact on outlook and levels of natural light in the rear garden of No.99. The proposed scheme would result in a significantly lower extension at the boundary with No.99 and there is substantive evidence to suggest that the proposal would not have a negative impact on sunlight within the rear garden of this property. As such it is considered that the proposal would address the previous Inspectors concerns.
10. In conclusion the development would not have a harmful effect on the living conditions of the occupants of neighbouring property 99 Dollis Road with particular regard to light and outlook in their rear garden. As such the proposal is in accordance with Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 which requires that proposals should be designed to allow for adequate daylight, sunlight and outlook for adjoining occupiers.
11. Policy CS NPPF of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 relates to the National Planning Policy Framework and the presumption in favour of sustainable development and CS5 of the CS relates to enhancing Barnet's character and are not determinative in my assessment of the living conditions of the occupants of neighbouring properties.

¹ APP/N5090/D/20/3265326

Other Matters

12. Concerns have been raised regarding the materials that would be used in the construction of the proposed roof, that a potential glass roof would impact negatively on the privacy of the occupants of neighbouring properties. However, as detailed below the external surfaces of the development have been controlled by condition.

Conditions

13. I have attached conditions relating to the time limitations for the commencement of the development, compliance with the approved plans and external materials in the interests of clarity and certainty, 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

14. For the reasons given above the appeal should be allowed.

C Livingstone

INSPECTOR

Schedule of 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 following approved plans: 202306/101DR/RD/01, 202306/101DR/RD/02, 202306/101DR/RD/03, 202306/101DR/RD/04, 202306/101DR/RD/S1.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials to match the existing dwellinghouse.
- 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

***** End of Conditions*****