



Appeal Decision

Site visit made on 18 May 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/N5090/D/24/3337731

10 Norbury Grove London NW7 4LS

- 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 Becky Bayele against the decision of London Borough of Barnet.
 - The application Ref: 23/4018/HSE dated 15 September 2023 was refused by notice dated 10 November 2023.
 - The development sought is Erection of a rear outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for Erection of a rear outbuilding at 10 Norbury Grove London NW7 4LS in accordance with the terms of the application Ref: 23/4018/HSE dated 15 September 2023 and the drawings 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 unnumbered approved plans prepared by SIXTHART Ltd which accompanied the application ref: 23/4018/HSE with the reference of 'PP'.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the host dwelling and residential amenity of adjoining users.

Reasons

3. 10 Norbury Grove is a two-storey terraced dwelling built in the latter decades of the twentieth century which sits within a residential area of similar housing, but, with its immediate neighbours, on sloping ground which elevates each rear amenity area significantly above the ground/entrance level of the house to which it is tied.
4. The proposed outbuilding would sit within an area adjacent to the rear of the dwelling enclosed on its east and south sides by the boundary wall/surmounted fence with No.9 Norbury Grove (No.9) and the steep upward slope to the raised rear garden area on its south side. In addition, on its north and west sides there would be, respectively, the rear elevation of the house and a small brick outbuilding containing a WC and storage each with an intervening space for circulation, ventilation and daylight. At present these areas are partly roofed with translucent sheeting.

5. The proposed building would be flat-roofed and to a height which is slightly above the existing structures that I have described. Although the construction of an outbuilding in close proximity to windows of habitable rooms would presume detriment to amenity for occupiers, in this case the intention is plainly to provide additional habitable accommodation making, because of the already enclosed position to be occupied by the proposed structure, good use of overhead glazing to give (or retain) access to daylight which is available from the southerly aspect.
6. What is apparent from my site visit is that the drawings do not accurately show the height of existing separating structure between No.9 and No.10 and this may explain the conclusion reached by the Council in their second refusal reason. That boundary comprises a low wall attached to the party wall between the two houses (as drawn) but, unlike what is drawn, actually surmounted by a high solid fence which extends to something close to first floor level. This fence appears to have been in place for some time and would be replaced by the solid structure of the proposed outbuilding.
7. On that basis there would be no more than a slight increase in height at the boundary and some localised additional height where the rooflights are positioned, inset from the boundary. This would not result in a significant change in the degree of enclosure along the shared boundary, nor, given the topography, any loss of outlook for occupiers of No.9 arising. For these same reasons there would not be, in any practical sense, a material loss of outdoor amenity space to No.10.
8. The Council suggest the proposal would be a disproportionate and incongruous addition. Being at the rear, the building would not be visible from the public realm or, to any significant degree, from adjoining houses except from the windows of bedrooms above. For the reasons set out as to topography and existing enclosing structures, the positioning of the proposed building in an already-enclosed yard area would not impinge upon the perceived pattern of development. The alternative of a conventional extension such as permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) would have a similar impact but be unfeasible due to the significantly higher level of the garden to which it would lead. Overall the proposal represents an innovative way to provide additional, albeit separate, habitable accommodation in a constrained location with minimum impact.
9. Overall, having regard to the circumstances explained, I find little conflict with Policies CS1 and CS5 of the Barnet Local Plan Core Strategy (2012) (Core Strategy); Policy DM01 of the Barnet Local Plan Development Management Policies (2012) (BDMP) or the Council's Residential Design Guidance SPD (2016) which together seek that development should respect local context and protect local character and amenity.
10. Consequently, for the reasons given and having regard to all matters raised, the appeal succeeds subject to the usual plans and timing condition.

Andrew Boughton

INSPECTOR