



Appeal Decision

Site visit made on 8 July 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/N5090/D/23/3336109

72 Bridge Lane, Golders Green, Barnet, London NW11 0EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Motti Konig against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/4836/PNH.
 - The development proposed is single storey rear extension with a depth of 6m, maximum height of 3.5m and eaves height of 3m.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO for prior notification for single storey rear extension with a depth of 6m, maximum height of 3.5m and eaves height of 3m at 72 Bridge Lane, Golders Green, Barnet, London NW11 0EJ in accordance with the terms of the application, Ref 23/4836/PNH and the details submitted with it including; Location Plan 1:1250; Proposed Ground Floor Plan & Rear Elevation Drawing No. BL.72.PR.01 Rev 0 pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Procedural Matters

2. The description of development in the above banner heading has been taken from the decision notice and appeal form as this accurately describes the proposed development.
3. The appellant has provided an alternative plan which incorporates a mono pitched roof at its boundary with No 74 Bridge Lane (No 74). However, my acceptance of this plan during the appeal process would be prejudicial to interested parties and I have therefore determined the appeal based on the plans the Council based its decision on.

Background and Main Issues

4. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement, improvement or other alteration of a dwellinghouse subject to limitations and conditions.
5. Paragraph A.1(j)(iii) of Part 1 states that development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse.

6. Paragraph A.4(7) of Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
7. In that context, the main issues of the appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO with particular regard to Paragraph A.1(j)(iii) of Part 1 and the impact of the proposed development on the amenity of adjoining premises in terms of outlook and daylight/sunlight.

Reasons

8. The appeal property relates to a two-storey semi-detached dwelling which is enclosed to the rear by boundary fencing separating the appeal property from its neighbours to the east and west. The neighbouring property No 70 Bridge Lane (No 70) is attached to the appeal property to the east but the neighbouring property to the west No 74 is detached with a small gap separating both properties. The rear garden areas of the appeal property and its neighbours are long and narrow.
9. At my site visit, I noted that the appeal property did appear to project slightly beyond the rear building line of neighbouring property No. 74 whilst also appearing to sit at a slightly higher level than this neighbour. The proposed development seeks to construct a single storey rear extension with a depth of 6m, maximum height of 3.5m and eaves height of 3m.
10. The Council explain that based on historic mapping, there is an original outrigger/addition at the rear of the appeal property and concludes that the proposed single storey rear extension would be extending beyond an original side wall (the side wall of the rear outrigger/addition) and thus would be more than half the width of the original dwellinghouse contrary with Paragraph A.1(j)(iii) of the GPDO. As set out above, Paragraph A.1(j)(iii) states that development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse. The Council set out that the term "original" refers to "the building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date" (as defined in the Permitted development rights for householders Technical Guidance published by the Ministry of Housing, Communities and Local Government in September 2019). I have no compelling reason to disagree.
11. Based on the evidence before me, there is a lack of detail to firmly demonstrate that the rear addition formed part of the original dwelling. The appellant has however provided a number of maps showing the property whereby the rear addition is only showing on maps dating from 1952. The addition is not visible on a pre-1952 map and on this basis, I am satisfied that the rear projection did not form part of the original dwellinghouse. The proposed development would not therefore extend beyond a wall forming a side elevation of the original dwellinghouse and thus would not conflict with Paragraph A.1(j)(iii) of the GPDO.
12. Turning to matters relating to amenity, the proposed rear extension would span across the whole width of the rear elevation. However, it would be single storey of a relatively low height. It would also comprise a relatively limited

depth particularly when taking into account the length of the garden area which can accommodate a larger extension.

13. The extension would be visible from No 74. However, its low height and roof form ensures that the proposed development would not represent a visually overbearing feature for the existing occupiers of No 74. Moreover, the tall fence that currently exists along the boundary would help to screen a large proportion of the extension and this, together with the gap that exists between the properties would ensure that outlook would not be so severely restricted from the rear elevation and garden area of No 74. The orientation of No 74 and the positioning of the windows within the rear elevation also means that it has direct outlook over its own rear garden area and outlook from inside the property would be at an angle where outlook would largely be retained. In coming to these findings, I have had due regard to the positioning of No 74 in relation to the existing building line as well as any level differences. The differences are not however so significant whereby the proposed extension would appear much greater.
14. Given the overall limited size and scale of the proposed development and the existing gap between the appeal property and No 74, the proposed development would not result in an unacceptable harm having regard to daylight/sunlight and it is likely that any loss of daylight/sunlight would be limited to a small section of the garden space with the majority remaining unaffected.
15. The Council has assessed the impact of the proposed development on the neighbouring property No 70 to the east. It concluded that this property already benefits from a rear extension with a depth of 3 metres. As such, the proposed single storey rear extension would extend beyond the existing rear building line of No 70 by 3 metres. This 3-meter projection from the rear building line of No 70 is not considered to give rise to significant amenity impact towards No 70. Based on the evidence in front of me and my own observations onsite, I have no reason to disagree with the Council's assessment in relation to No 70.
16. For the above reasons, I conclude that the proposed development would not extend beyond a wall forming a side elevation of the original dwellinghouse. It would also not have an unacceptable impact on the amenity of adjoining premises with regard to outlook and daylight/sunlight.
17. It would therefore meet the requirements of Article 3, Schedule 2, Part 1, Class A of the GPDO. It would also accord with Policies D3 and D6 of the London Plan (2021), Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (2012), Policy DM01 of Barnet's Local Plan Development Management Policies (2012) and the Residential Design Guidance SPD (2016) which together, amongst other matters, requires development proposals to be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Other Matters

18. In considering this appeal, I have had due regard to the Public Sector Equality Duty (PSED) set out under Section 149 of the Equality Act 2010, in particular the need to eliminate discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for

those persons and fostering good relations between them and others. I am satisfied that the outcome of my decision is proportionate and necessary.

Conditions

19. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO is subject to the standard conditions set out in paragraph A.3 including that the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

N Teasdale

INSPECTOR