



Appeal Decision

Site visit made on 3 September 2024

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/N5090/D/24/3346649

36 Green Lane, Barnet, Edgware, HA8 7PR.

- 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 and Mrs Gideon Schulman against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/1423/HSE.
 - The development proposed is demolition of existing rear extension and erection of new rear extension to full width of site.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue in this case to be the effect of the proposal on the living conditions of the occupiers of No 38 Green Lane, in terms of its potential to have such an overbearing and visually obtrusive impact as to result in an unacceptable sense of enclosure, loss of outlook or loss of light.

Reasons

3. The appeal property, 36 Green Lane (No 36), is one half of a semi-detached pair of houses. There is an existing high, close boarded fence and shrub planning to the common boundary to No 38, located to the north of No 36. No 38 has a pair of French doors with side lights in its rear elevation close to the common boundary.
4. The appellants propose, following demolition of an existing extension, the construction of a flat roofed 'L' shaped, full width replacement single storey rear extension. The proposed addition would project 4.41 metres from the original rear wall of No 36.
5. The Council's Local Plan Supplementary Planning Document: *Residential Design Guidance* (October 2016) (SPD) advises, amongst other things, that in respect of semi-detached houses, single storey rear extension should not project more than 3.5 metres beyond the rear wall of the original house. This guidance is given to avoid single storey extensions causing a significant sense of enclosure, or a loss of outlook or light to principal windows of habitable rooms of the neighbouring property. Although, the guidance in the SPD is a material consideration, it is only guidance, and it should not be applied to each and

every property prescriptively to the exclusion of all other factors, including the physical circumstances and context of a site.

6. In this case given the existing boundary treatment and the size of the rear gardens I am not persuaded that the proposed 4.4 metre deep extension would appear either so overbearing or visually intrusive as to result in such a significant increased sense of enclosure or loss of outlook.
7. However, as the proposed addition would be situated virtually to the south of No 38 it would, at certain times throughout the year, result in a loss of sunlight not only to the room served by the French doors but the area of garden immediately adjacent to the proposed extension. While I appreciate that the extension would only be only 1.9 metres or so deeper than recommended this would nevertheless cause significant harm to the living conditions of the residential occupiers of No 38. On balance I consider this to be a compelling objection to the development.
8. I conclude in respect of the main issue that the proposed development would result in a loss of light so as to cause harm to the living conditions of the occupiers of No 38 Green Lane. The proposal would therefore fail to comply with the aims of Policy D3 of the London Plan (Adopted March 2021), Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (Adopted September 2012), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (Adopted September 2012) and the SPD as they seek to protect residential living conditions.

Other Matters

9. I note the Council found the appearance of the proposal acceptable, and that it considered that it would not have an adverse impact on the living conditions of the occupiers of No 34. Based on what I have seen and read I would not seek to disagree with its findings on these issues. However, the absence of harm is a neutral factor in my considerations and, as such, I have given these matters very little weight in my decision.
10. I appreciate the appellants desire to enlarge their kitchen and upgrade the build quality and thermal efficiency of the earlier rear extension. However, while I am sympathetic to these needs they do not outweigh the harm that the deep extension proposed would cause to the amenity of the occupiers of No 38.

Conclusions

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR