

Appeal Decision

Site visit made on 11 November 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/N5090/D/24/3349999

59 Bulwer Road, New Barnet, EN5 5EU

- 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 and Mrs A Egerton against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/2257/HSE.
 - The development proposed is single storey rear extensions and front extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extensions and front extension at 59 Bulwer Road, New Barnet, EN5 5EU in accordance with the terms of the application, Ref 24/2257/HSE, 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 following approved plans: 526623-1, 526623-2A, 526623-4A.
 - 3) 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.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed front extension and single storey rear extensions on the character and appearance of the host dwelling and the surrounding area; and secondly, the effect of the proposed single storey rear extensions on the living conditions of occupiers of Nos 57 and 61 Bulwer Road with respect to outlook.

Reasons

3. The appeal dwelling is a semi-detached house on a street of established dwellings including other semi-detached pairs and detached houses. Although most dwellings appear to be of a similar age, there are differences in design. The appeal dwelling and its attached neighbour, No 61, are different from others nearby in the street. In particular, each dwelling has a two storey
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element set back from the main front elevation with the original front door set into this narrow, side projection. The appeal dwelling has a further, single storey side extension that infills the gap between it and its non-attached neighbour, No 57.

4. The proposed front extension would create a new entrance and hall that would project in front of the existing set-back and single storey side extension but sit behind the main façade. It would link the original hallway with the single storey side extension. I agree with the Council that this modest addition would appear subservient to the host dwelling and would not be prominent in the street scene. I therefore agree that it would be acceptable. In consequence, I shall restrict my further consideration to the single storey rear extension.
5. The original dwelling included a two storey rear outrigger, set away from the shared boundaries with Nos 57 and 61 and occupying just over half the original rear elevation. A modest single storey extension has been added to the outrigger.
6. It is proposed to infill both side returns to the same depth as the existing single storey rear extension. These extensions would have an eaves height of 2m at each shared boundary, rising in a lean-to roof to 2.5m which would be the same height as the rear eave of the single storey extension. The link between the various elements would therefore be sympathetic, with the roofs of the new elements falling away from the existing extension. The limited depth of the extensions, tying in with the existing single storey rear extension, would ensure that, despite occupying the full width of the plot, they did not overwhelm the original rear elevation, appearing as modest and subservient additions.
7. A new patio door would span the full width of the existing single storey extension and extend slightly into the proposed extensions which would add to the integrated appearance of the various elements.
8. The Council refers to its Supplementary Planning Document: Residential Design Guide (SPD), October 2016, which indicates that single storey rear extensions on semi-detached dwellings should have a maximum depth of 3.5m. However, in this case where the proposed extensions would tie in with the existing single storey rear extension, I find that the additional 2m depth would have an acceptable appearance. The Council also raises concerns regarding the height of the roof, but this appears to be a reference to the lean to roof of the existing single storey rear extension which has a maximum height of 3.6m. This is already in place and I do not find it unacceptable.
9. I am aware that the site has been subject to an earlier application for a single storey rear extension that was refused on appeal (APP/N5090/D/23/3335815). However, that was for a significantly larger development that would have extended some 6m beyond the existing two storey outrigger, considerably further than the existing single storey rear extension or the proposed extensions, overwhelming the original rear elevation. This is materially different from the current, more modest proposal, notwithstanding that the overall width would be similar.
10. It is concluded on the first main issue that the proposed single storey front and rear extensions would have no materially detrimental effect on the

character and appearance of the host dwelling and the surrounding area. In consequence, they would comply with Policy D3 of the London Plan (LP) 2021, Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) (CS), September 2012, Policy DM01 of Barnet's Local Plan (Development Management Policies) (DPD), September 2012, and with the Council's SPD. Taken together and amongst other things, these expect development to be of a high quality design that respects local context, distinctive local character and appearance, scale, mass and pattern of surrounding buildings.

11. Turning to living conditions, the appeal dwelling and its attached neighbour, No 61, both have side returns created by the two storey outriggers. Both have patio doors serving habitable rooms at the rear of the side return. The proposed development would infill the side return at the appeal dwelling and extend along the shared boundary for some 5.5m. The eaves of the extension would be low at 2m. The roof would rise up away from the boundary to some 2.5m but this would be no more than the height of the existing single storey rear extension. Therefore, whilst the extension would abut the shared boundary, its limited height and the presence of the existing single storey rear extension would ensure that no material loss of outlook or increased feeling of enclosure occurred at No 61 and the extension would not have a materially overbearing effect.
12. In respect of No 57, I agree with the Council that the proposed extension, with its low eaves height and roof in part hidden from the side return window at No 57 by the existing side extension, would have a limited effect on outlook, despite its rearward projection. I therefore agree that it would not materially harm the living conditions of occupiers of No 57.
13. It is concluded on the second main issue that there would be no material harm with respect to outlook from Nos 57 or 61 Bulwer Road. In consequence, the proposed extensions would comply with LP Policy D3, CS Policy CS5, DPD Policy DM01 and the SPD. Taken together and amongst other things, these expect new development to adopt a high standard of design that allows for adequate outlook for adjoining occupiers.
14. The Council suggests two conditions in addition to the statutory commencement condition. I agree that the development should be carried out in accordance with the submitted plans and also that materials to match the existing dwelling should be used. This is necessary for the avoidance of doubt and to protect the character and appearance of the host dwelling and the surrounding area.
15. The occupiers at No 57 raise concerns regarding the position of the property boundary in relation to the proposed front extension. However, I agree with the Council that boundary disagreements are a civil matter and should be settled privately between the parties.
16. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR