



Appeal Decision

Site visit made on 24 July 2024 by S Indermaur MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/N5090/D/24/3345355

21 Francklyn Gardens, Barnet, Edgware HA8 8RT

- 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 & Mrs David Green against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/0660/HSE.
 - The development proposed is Side and Rear Second Floor Extensions and Loft Extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal on the:
 - character and appearance of the existing dwellinghouse, and the surrounding area; and
 - living conditions by way of impact on light and outlook to the neighbouring occupiers of No.23 Francklyn Gardens (No.23).

Reasons for the Recommendation

Character and Appearance

4. The appeal property is a two-storey semi-detached dwelling with a hipped roof, which is part of the character of the area. Due to the detailed design of the appeal property and its neighbour at No.23, there is a considerable gap retained between the dwellings at first floor level. Whilst the host dwelling possesses an existing single storey rear extension, I observed there to be examples of side extensions, hip to gable roof alterations, and dormers within the area, albeit that these do not predominate within the street scene.
5. I am satisfied that despite the addition of the proposed side extension, there would still remain a reasonable gap at first floor level to the neighbouring property, ensuring that a terracing effect would not arise. Whilst I note that the hip to gable roof extension would result in an unbalanced appearance to the

pair of properties within the street scene, I agree with the Council's conclusions that there would be the potential for these works to be carried out as permitted development. This must therefore weigh as a significant material consideration in assessing the impact on the character and appearance of the street scene.

6. However, it is the cumulative impact of the side, roof, and dormer extensions, taken in conjunction particularly with the existing rear extension, which would overwhelm the character of the original property. The result would be that the accumulation of extensions would appear as oppressive and dominant in the context of the existing and original dwelling. The scale and size of these extensions together would not be subordinate to the original house and would not respect the design of the original building.
7. For the reasons outlined above, although I accept the proposal would not result in harm to the character and appearance of the area, the cumulative effect of development would result in harm to the character and appearance of the existing dwelling.
8. The proposal would be contrary to Policy CS NPPF of the CS that sets out a presumption in favour of sustainable development and accords with Barnets Local Plan. The proposal would also be contrary to Policy D3 of the London Plan 2021, Policy DM01 of the Local Plan Development Management Policies 2012 (DPD) and Policies CS1 and CS5 of the Barnet's Local Plan Core Strategy 2012 (CS). Together, these seek development proposals that are of a high-quality design and respond to local context, preserves and enhances the local character of the area and respect the appearance, scale, mass and pattern of surrounding streets.

Living conditions

9. The appeal site shares a boundary with No.23, which does not possess a rear extension. The proposed first floor side extension would extend to the shared boundary with No. 23, whilst the first-floor rear extension would project approximately 3 metres to the rear of the dwelling, within 1 metre of the boundary. It is the combination of the scale, depth, and proximity of the extension to the boundary which would create a sense of enclosure immediately to the rear of No.23 and for users of the patio area, resulting in an overbearing and significant adverse effect on the available outlook to the neighbouring property.
10. I have also carefully considered the impact on light due to the siting and orientation of the proposed extension from No.23, and in particular its patio. Whilst there would undoubtedly be some additional overshadowing of the patio area caused by the extension, particularly during the earlier parts of the day, I am not persuaded that it would be significant enough to result in an unacceptable impact on the living conditions of the neighbouring occupiers.
11. For the reasons detailed above, the proposal would not cause harm to the living conditions of the neighbouring occupiers of No.23, having regard to light. However, for the reasons outlined above, the proposal would cause harm to the living conditions of the neighbouring occupiers of No.23 by way of loss of outlook. The proposal would be contrary to Policies CS5 of the CS and DM01 of the DPD which together seek to ensure that neighbouring occupiers enjoy a high standard of amenity which allows for adequate outlook for adjoining occupiers.

Other Matters

12. I recognise that there are examples of development that demonstrate a similar orientation and design to this proposal, and to which I have been referred to by the parties. In particular, I have had regard to the appellant's contention that No. 45 Francklyn Gardens sets a precedent for the appeal proposal.
13. I am not however persuaded that the development at No. 45 and the limited number of other comparable developments defines a principal aspect of the character and appearance of the area, and therefore justifies the setting aside of the harm identified to the character and appearance of the original dwelling, and to the living conditions of the neighbouring occupiers. I do not therefore accept that a precedent has been set in this instance and have determined the appeal on its own merits.
14. I have noted concerns over the handling of the application in terms of inconsistencies in the report, and also the observation of there being a lack of objection to the appeal proposal. However, these are not matters which would weigh in support of the development or are fundamental to the assessment of the planning merits of the case, and I have not therefore given them any significant weight.

Conclusion and Recommendation

15. The proposal would conflict with the development plan read as a whole and there are no material considerations that justify granting permission. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR