



Appeal Decision

Site visit made on 8 October 2024 by A Khan BSc (Hons) MA MSc

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/N5090/D/24/3338182

16 Grants Close, Mill Hill, London NW7 1DD

- 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 F Fazli against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/4627/HSE.
 - The development proposed is single storey rear extension with new patio area and access steps. Changes to front and side fenestration.
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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.

Preliminary Matters

3. The description of development as detailed on the application form has been amended in subsequent documents. I have used the description included on the appeal form, which describes the proposal accurately and concisely.

Main Issues

4. The main issues are the effect of the proposal on a) the living conditions of the neighbouring occupiers of 15 Grants Close (no 15) with respect to outlook, daylight, sunlight and privacy and b) the character and appearance of the area.

Reasons for the Recommendation

Living conditions

5. A single storey extension has previously been constructed to the rear of the appeal property, along the boundary shared with no 15. Although the depth of the proposed extension would be in itself relatively modest, it would, together with the existing extension, create a somewhat tunnel-like effect for the neighbouring occupiers of no 15. In particular, the outlook from the nearest openings, which appear to serve a habitable room, would be severely impacted, and levels of natural light considerably restricted, due to the depth, height and proximity of the extension. Therefore, the proposal would harm the living conditions of the neighbouring occupiers of no 15 with respect to outlook and natural light.

6. Currently, the shared boundary is separated by relatively low fencing and greenery, which from the existing patio area provides a good level of screening for the garden of no 15. The only view into no 15's garden is from the small access stair platform, which connects the patio area to the host property. The proposed patio would be set at a higher level than the existing patio and project significantly further into the rear garden.
7. Due to the topography and raised nature of the patio, the proposal would enable the occupiers of the appeal property to directly overlook a large part of their neighbours' rear garden. The proposal would create a larger patio area where occupiers of the appeal property would in all likelihood spend prolonged periods of time, particularly in the summer months. The appellant has suggested that this could be addressed by a condition requiring boundary treatment details. However, in the absence of further details, I cannot be persuaded that this would make the development acceptable. Therefore, the proposal would intrude on the privacy of and have a detrimental impact on the living conditions of the neighbouring occupiers at no 15.
8. Concerns have also been raised by the Council regarding the effect of the development with regard to sunlight. However, due to the north facing orientation of the development, I am satisfied that the impact of the proposal in this respect would be acceptable.
9. Although the proposal would not have an adverse effect with regard to sunlight, this is outweighed by the adverse impact on the living conditions of the neighbouring occupiers at no 15 in respect of outlook, natural light and privacy. The proposal would therefore not comply with Barnet's Local Plan (Development Management Policies) [September 2012] (DMP) Policy DM01, which in particular requires adequate living conditions for neighbouring occupiers, and also the Council's Residential Design Guidance Supplementary Planning Document [October 2016] (SPD), Section 14.22, which states that rear extensions should protect the living conditions of neighbouring occupiers.

Character and appearance

10. The appeal site is situated in a suburban area and characterised by its predominantly residential nature. The street features a mix of detached and semi-detached dwellings with steep front plots and narrow, rear gardens. The abundance of greenery and openness contribute to the verdant character of the area. The appeal property aligns with the architectural style of semi-detached dwellings and reflects the style of other dwellings in the locality.
11. The proposal includes a rear extension which would span the width of the appeal property and modestly increase the depth of the existing structure. The proposed flat roof of this extension would continue the roof line of the existing flat portion. This would minimise the perceived scale of the extension and make it more sensitive to the host property's character. The proposed extension would increase the cumulative extension depth slightly over the recommended guidelines from the SPD, however, it would still appear subordinate to the host property. The extension would not be visible from the road, therefore minimising its visual impact on the surrounding area. Therefore, in regard to all these elements, the proposed rear extension would respect the local context and not harm the character and appearance of the area.

12. The new patio would project further into the rear garden than the existing patio. There are a number of patios within close vicinity, therefore although not present in all properties, are characteristic of the area. Although the proposed patio area would protrude slightly further than the existing patio, this would not significantly disrupt the architectural harmony of the pair of semi-detached dwellings. Therefore, the patio area would not harm the character and appearance of the area.
13. Consequently, the proposal would not harm the character and appearance of the area. Although the proposal would not comply with the recommended guidelines of Section 14.21 of the SPD, it would overall accord with the urban and garden design standards of London Plan 2021 Policy D3 and Barnet's Local Plan (Core Strategy) [September 2012] (CS) Policies CS1 and CS5, which seek to respect local context. The proposal would also comply with the provisions of DMP Policy DM01 requiring development to preserve local character and respect the pattern of development.

Conclusion and Recommendation

14. Although the proposal would not result in harm to the character and appearance of the area, this would be outweighed by the significant harm that would arise to the living conditions of the neighbouring occupiers of no 15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Edwards

INSPECTOR