



Appeal Decision

Site visit made on 20 February 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/N5090/W/24/3351231

132 East Barnet Road, Barnet EN4 8RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr and Mrs Antonis Savvides against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/2208/FUL.
 - The development proposed is conversion of the existing shop into 1no. self-contained flat following, partial demolition of existing single storey rear projection and construction of a single storey building to rear comprising of 1no. self-contained flat. Associated changes to front and rear elevations. Provision of amenity space, refuse/recycling and cycle storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the above banner heading has been taken from the decision notice and appeal form as this concisely describes the proposed development.
3. During the course of this appeal, the Council has adopted the Barnet Local Plan (2021-2036), 2025 (LP). The new LP replaces the previous Local Plan (2012) (comprising the Core Strategy and Development Management Policies Development Plan Documents). I have been provided with the relevant policies applicable to this scheme and have taken these into account in reaching my decision. Both parties have also had the opportunity to comment on this.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the existing building; and
 - Whether the proposed development would provide adequate living conditions for future occupiers of flat 1 with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site relates to 132 East Barnet Road, a two-storey terrace that comprises a retail unit at ground floor understood to be vacant with a residential unit on the first floor. The property forms part of a row of other similar terraced

properties which have various additions to the rear. The appeal property has a staggered rear elevation, comprising a part single part two storey rear projection. For the greater part, the rear additions to properties along this terrace are set back from the rear boundary leaving a good level of space/openness to the rear.

6. The proposed development seeks planning permission for amongst other works, the conversion of the existing shop into 1no. self-contained flat following, partial demolition of the existing single storey rear projection and construction of a single storey building to the rear comprising of 1no. self-contained flat. The proposed development would result in significant built form to the rear of the property which by reason of its size, siting, and depth would occupy most of the open space available to the rear of the property. Its overall siting and design are an overdevelopment of the plot and would not be subordinate in scale to the host property appearing as a bulky and unsympathetic structure. It would be at odds with the established pattern of development along this row of properties and would represent a discordant addition to the back of the terrace. As a result, it would have an adverse visual impact.
7. The Residential Design Guidance Supplementary Planning Document, 2016 (SPD) states that the depth of a single storey rear extension, normally considered acceptable for terraced properties is 3 metres. The proposed development would far exceed this and although the relevance of this is disputed by the appellant given the mix used nature of the site, I do not find this guidance to be totally misplaced in the overall assessment of the scheme having regard to the site and its surroundings. Notwithstanding, the overall purpose of the SPD is to ensure that designs for new development are appropriate to their context or take opportunities to improve the character and quality of an area. The scheme is contrary to this overall purpose.
8. My attention has been drawn to other proposals in the locality and I have had regard to the information submitted regarding the planning permissions of some of these. I accept that some rear extensions extend further back from their host property occupying most of the space at the rear with some variation in rear building lines. Whilst located nearby, No 118 is separated by a large car parking area and thus does not form part of this particular row of terraces along this part of East Barnet Road which the appeal site relates. It also has a more open aspect given the level of space surrounding that particular site. The terrace from No 128-136 have a variety of structures but these are set back from the rear boundary and do not extend as much as the proposed development. Although some garages/sheds have been introduced to the rear, I am unaware of their planning history, and these are also few and far between where a level of space is for the greater part maintained. Such openness to the rear is apparent along this terrace until reaching No 142 where a rear extension and outbuilding has been constructed. This is however viewed in context of its neighbouring property at No 144 to 146 which projects considerably beyond the rear elevation of the property. A similar relationship exists for No 148, located at the other side of this large addition. The officer's report for the approval at No 148 makes reference to these other extensions whereby development at that location was considered to be consistent with other extensions.
9. In comparison, the appeal site in question is viewed more in context of the row of properties stretching from No 128-140 opposed to those further to the southeast whereby there is more space to the rear of properties. Notwithstanding and even

considering the wider terrace of properties, those larger extensions are the minority and not the prevailing character of the area. The existence of other developments is also not sufficient to justify harmful development as I have considered this appeal based on its own merits. I am aware that the property benefits from prior approval to convert the front part of the ground floor into a self-contained flat. This is however a different scheme and thus would not alter my findings.

10. The proposed extension would be located to the rear of the property and thus would not affect the appearance of the front of the building. It would also not extend the full garden depth leaving areas for outdoor space with some fencing and vegetation along its boundaries. However, the development would still be visible from a number of other public vantage points including from other properties in the area where it would appear overly dominant and out of scale with the host property. Its proposed flat roof including its design and single storey nature would not overcome this harm nor would its amenity spaces which help to break up some of the built form. This is because the proposed development would still lack cohesiveness with the form and layout of the building and wider terrace given the overall excessive projection from the rear of the host property. I cannot agree that the passageway allowing for access deep into the site, enables such a form of development to occur as it would still result in overdevelopment of this site.
11. For the above reasons, I conclude on this issue that the proposed development would unacceptably harm the character and appearance of the existing building. It would therefore be contrary to Policies CDH01, CDH02, CDH07 and GSS01 of the LP in this respect which together, amongst other matters, explains that the Council will expect development proposals to respond sensitively to the distinctive local character and design, building form, patterns of development, scale, massing, roof form and height of the existing context. For the same reasons, the proposed development would also be contrary to the SPD.
12. I have been provided with a copy of Policy HOU03 of the LP which relates to residential conversions and re-development of larger homes, but I do not find it to be relevant in the particular circumstances of this case and this main issue.

Living conditions

13. The bedroom serving flat 1 would have a window providing outlook onto the external courtyard serving this property. It would be located within close proximity to the boundary wall which would restrict outlook for future occupiers. That said, it would still provide some outlook for the property, and this is also not the only opening serving this bedroom. Such an outlook is not considered to be so detrimental as to result in poor living conditions and given the single storey height of the wall, it would not lead to such an unacceptable enclosure for the property. Moreover, occupiers of this property would also benefit from other habitable spaces where there are windows/doors providing for good levels of outlook more generally as well as access to the amenity area serving the property.
14. For the above reasons, I conclude on this issue that the proposed development would provide adequate living conditions for future occupiers of flat 1 with particular regard to outlook. It would therefore accord with Policies CDH01, CDH02, CDH07 and GSS01 of the LP and Policy D6 of the London Plan in this respect which together, amongst other matters, explains that the Council will

expect development proposals to provide a good standard of amenity that is consistent with other policies in the Plan and will allow for acceptable levels of daylight, sunlight, privacy and outlook for adjoining and potential occupants and nearby users impacted by the development. For the same reasons, the proposed development would also accord with the Sustainable Design and Construction Supplementary Planning Document, 2016. My findings on this would not however overcome the other harm I have identified.

15. I have been provided with a copy of Policies HOU03 and CDH04 of the LP which relates to residential conversions and re-development of larger homes as well as tall buildings. I do not however find these policies to be relevant in the particular circumstances of this case and this main issue.

Other Matters

16. I note that the area comprises a mixture of commercial and residential properties and appreciate the appellant's intentions to make best use of the site. To this end, there are local and national policies which support such an approach as well as those relating to meeting housing needs including small sites and boosting the supply of housing. I also do not dispute the emphasis placed on the support for delivery of small sites and importance of these. However, such matters would not alter my findings in relation to the above main issues as the proposal would still need to be well-designed. In view of my findings above, I do not consider this to be the case as the proposed development would appear incongruous in this particular location.
17. I appreciate that the development would provide some minor economic benefit through employment during the construction period and some minor economic and social contribution to the local community from new dwellings whilst also recognising the sustainability elements of the scheme. However, given the small-scale nature of the proposals, the extent to which these factors would be beneficial is limited including its contribution towards housing provision and would not be sufficient to outweigh the identified harm.
18. The site does not lie in a Conservation Area and is not understood to be of any heritage or architectural value. I am also aware of the location of the site in relation to services and facilities as well as noting the changes made to the scheme. A number of matters are also not in dispute. However, such matters would not alter my overall findings nor alter the outcome of my decision.

Conclusion

19. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR