



Appeal Decision

Site visit made on 18 February 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/N5090/W/24/3352612

22 Pollard Road, Ground Floor Flat, Whetstone, Barnet, London N20 0UB

- 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 Mohammad Bolia against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/2537/FUL.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. The Council has confirmed that the policies from Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012) and Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012) referred to in the Decision Notice have been superseded by policies from the Barnet Local Plan 2021-2036 (March 2025) (BLP). Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. The Council has suggested that Policies GSS01, CDH01, CDH04, and HOU03 of the BLP are now the policies relevant to the determination of this appeal. The appellant is aware of the policies and have had the opportunity to comment upon its relevance to the appeal. The Council has also confirmed that existing supplementary planning documents, in this case the Residential Design Guidance Supplementary Planning Document (October 2016) (RD SPD) remain extant unless or until they are replaced or updated.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - the living conditions of the occupiers of 24 Pollard Road (No 24) with regard to outlook; and
 - the character and appearance of the host property and the surrounding area.

Reasons

Living Conditions

4. The RD SPD advises that the depth of a single storey rear extension normally considered acceptable for semi-detached properties is 3.5 metres. One of the reasons for this is to ensure that the depth of the extension does not cause a

significant sense of enclosure or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties.

5. The appeal site is connected to No 24 which has a ground floor bay window serving a habitable room, close to the shared boundary with the appeal site. The proposed extension would be 4.55 metres in depth, thereby not complying with the RD SPD. As a result of its depth, height and proximity to the ground floor window of No 24, the proposed extension would erode the outlook from the aforementioned window and create a harmful sense of enclosure and overbearance.
6. While the height of the proposed extension is just over 3 metres, it would be markedly higher than the existing boundary fence, despite its flat roof design. The appellant contends that the window of No 24 would sit tall relative to the proposed extension. However, based on the submitted plans and my own observations during my site visit, while the ridge of the ground floor bay roof would sit above the height of the proposed extension, the ground floor window itself would not be above the proposed extension.
7. The appellant has drawn my attention to appeal decisions¹ relating to single storey rear extension with depths of more than 3.5 metres. However, the circumstances and context of these schemes are materially different to the appeal proposal. In Downthrust Avenue, there was vegetation growing along the boundary of the site. In Bridge Lane, the neighbouring property benefitted from a rear extension so that the proposed extension, subject to that appeal, would extend only 3 metres beyond the neighbour's extension. Consequently, in both cases, the Inspectors found that the scheme would not have an unacceptable adverse impact on the living conditions of neighbouring occupiers with regard to outlook and light. In any event, I have determined the appeal proposal on its own merits.
8. The RD SPD does not form part of the development plan; however, it is capable of being a material consideration in planning decisions. Even if the standards in the RD SPD were flexibly applied on a case-by-case basis, the proximity and scale of the proposed extension in relation to the ground floor bay window of No 24 would nevertheless, in this case, significantly diminish the outlook from the ground floor window of No 24.
9. For the reasons given, I conclude that the proposed development would harm the living conditions of the of the occupiers of No 24 with regard to outlook. The proposal would conflict with Policy D3 of the London Plan (March 2021) (LP) and Policy CDH01 of the BLP insofar as they require development to deliver acceptable levels of outlook.
10. The Council has referred to Policies CDH04 and HOU03 of the BLP. However, these policies respectively relate to tall buildings and residential conversions so are not determinative on this main issue.

Character and Appearance

11. The appeal site relates to a two-storey semi-detached property forming a pair with No 24. The property has previously been converted into two flats. Pollard Road and the surrounding area is predominantly residential in character.

¹ Ref. APP/N5090/D/21/3281297 and APP/N5090/D/23/3336109.

12. The RD SPD advises that the depth of a single storey rear extension normally considered acceptable for semi-detached properties is 3.5 metres. Amongst other things, this is to ensure that extensions do not look too bulky and prominent 'compared to the size of the main building and garden in which they relate'. While the Council contends that garden size is of no relevance to the appeal, the RD SPD clearly indicates that this is a relevant matter.
13. The proposed extension would be 4.55 metres in depth, thereby exceeding the recommended depth of 3.5 metres as advised in the RD SPD. However, the overall size of the main building has increased by virtue of a recent roof extension² to the building. Taking this into account, and given the generous size of the appeal property's rear garden, the proposed extension would appear visually subordinate to the host property.
14. For these reasons given, I conclude that the proposed development would not harm the character and appearance of the host property and the surrounding area. The proposal would comply with Policy D3 of the LP and Policy CDH01 of the BLP of the CS insofar as they require development to respond to local context, existing character, scale and massing.
15. The Council has referred to Policies GSS01, CDH04 and HOU03 of the BLP. However, these policies respectively relate delivering sustainable growth, tall buildings and residential conversions so are not determinative on this main issue.

Other Matters

16. That the proposal would not harm the living conditions of the occupiers of 20 Pollard Road (No 20) is not disputed and does not alter or outweigh my concern regarding the effect of proposal on the living conditions of the occupiers of No 24 with regard to outlook.
17. The proposal would enhance the living accommodation for its occupiers in terms of increased space. However, this would amount to a private benefit to the occupiers of the flat, so I am only able to give this very limited weight.

Conclusion

18. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR

² Ref. APP/N5090/W/23/3330001.