



Appeal Decision

Site visit made on 14 October 2019

by **R E Walker BA Hons DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal Ref: APP/N5090/D/19/3234137

38 St Mary's Avenue, Finchley, London N3 1SN

- 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 O Chen against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/2377/HSE, dated 16 April 2019, was refused by notice dated 12 July 2019.
 - The development proposed is a part single, part two storey side and rear extension. Demolition of existing side and rear extensions and existing garage. Extension to roof including 1no rooflight to front roofslope, 3no rooflight to side roofslope, 2no rooflights to rear roofslope and 1no rear dormer with juliette balcony.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has confirmed that an amended description was agreed following amendments to the proposals during the application. The description given on the decision notice accurately reflects these amendments and I have therefore used this description within the above banner heading.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupants of No's 6, 8, 10 and 12 Cyprus Gardens, with particular reference to outlook.

Reasons

Character and Appearance

4. The appeal building is a 2 storey, semidetached property within a residential area. The house is positioned toward the end of St Mary's Avenue and borders the rear gardens of several properties in Cyprus Gardens. St Mary's Avenue is characterised by large properties which have been extended in a variety of ways.

5. From the front the proposals would appear subservient to the host property with the roof stepping down and stepping back from the front building line. I saw that the attached neighbouring property had also been extended to the side at 2 storey's. In this respect the proposals including the material finish would not appear out of context when only the front elevation is viewed.
6. However, due to the change in topography and the rear gardens of properties in Cyprus Gardens, the side elevation is clearly visible from St Mary's Avenue and from private views from the rear of neighbouring properties. When viewed from the side, the length of the proposed side elevation projecting out beyond the original rear building line would create a large dominant built form. The massing and scale of which would, in my view, be harmful to the character and appearance of the host property and this part of the street.
7. I recognise that the proposed development would replace the existing garage and single storey extension to the rear. However, these are single storey structures and my concerns relate, not to the principle of their replacement, but to the scale and massing of the resulting proposed development. The appellant also points out that the property could be extended without the need for planning permission. Be that as it may, in my view any such extension would not be as substantial as the proposals before me now.
8. In support of the appeal, my attention was drawn to other properties in the area that have had sizeable extensions. However, I do not know the circumstances of those cases or the policies that applied at the time of their consideration. As such I cannot be sure that they represent a direct parallel to the appeal proposals. In any case I have considered the appeal on its own merits having particular regard to the scale and massing of the proposed development and extent of views to the side of the property.
9. In respect of the first main issue, I conclude that the proposed development would result in a significant harmful effect on the character and appearance of the area. The proposals would therefore be contrary to the requirements of policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (DPD) adopted September 2012, policies CSNPPF and CS5 of the Barnet Local Plan (Core Strategy) DPD adopted September 2012 and the Local Plan Supplementary Planning Document (SPD): Residential Design Guidance October 2016. These policies and the SPD aim to ensure that development positively contributes to the character of the area through good design. I consider that these policies are consistent with the provisions of the National Planning Policy Framework (the Framework) and can therefore be given substantial weight.

Living Conditions of Neighbours

10. The proposed development would be clearly visible from the rear gardens and rear of No's 6, 8, 10 and 12 Cyprus Gardens. These neighbouring properties are positioned on a lower ground level to the appeal site and views from the properties look towards the existing garage at the appeal site. I recognise that the proposed development would be positioned further from the boundary than the garage and at this distance there is unlikely to be any significant shadowing effects. Moreover, there are several plants and trees within the rear gardens of these neighbouring properties that would soften some of the proposed development. However, due to the length and scale of the proposed development to the side and rear, combined with the changes in topography, it

would appear as a large and overbearing feature from the rear gardens of No's 6, 8, 10 and 12 Cyprus Gardens.

11. The proposed development's oppressive visual impact from these gardens would, in my view, result in significant harm to the outlook from this part of the garden and thus have a harmful effect on the living conditions of the occupiers of No's 6, 8, 10 and 12 Cyprus Gardens. The proposed development would therefore conflict with the requirements of policy DM01 of the Development Management Policies DPD and the Council's Residential Design Guidance SPD which seek, amongst other things, to ensure good standards of living conditions for existing occupants. Policy CS5 of the Core Strategy DPD has also been referred to within the reason for refusal, however this appears more concerned with character than living conditions. I therefore do not consider it to be relevant in this case.

Other Matters

12. The attached neighbouring property has a mature Wisteria climbing shrub adjacent to the common boundary, although I have no substantive evidence that it is protected. In any event, the proposed development would be off set from the boundary to a similar degree to the existing conservatory, and I recognise that permitted development rights could enable development closer to the boundary. I am not, therefore, satisfied that the concerns regarding the effect on the Wisteria amount to a reason to withhold planning permission.
13. The proposed development would not result in a significant loss of privacy to neighbours due to the position of windows on the rear elevation and the use of obscure glazing on side roof lights. Due to the scale of the extension adjacent to the attached neighbouring property and the position of the 2-storey extension, there would not be any significant loss of light to this property. Although there would be some additional light pollution from the rooms, particularly in the loft space, this would be very small overall. The access and parking arrangements would be satisfactory and there is no evidence that highway safety would be compromised.
14. I recognise that the appellant is seeking to make an effective use of an existing dwelling and an under used part of the garden, an objective which is encouraged by the Framework. I understand that extending the property might meet the appellant's need for increased accommodation. I also note that the appellant has made changes to the scheme during the application with the view to finding a solution. However, personal circumstances will seldom outweigh more general planning concerns and the appellant's desire to extend the property does not, therefore, outweigh my concerns on the main issues.

Conclusion

15. I have taken account of all the other matters raised. However, none changes the balance of these findings and the harm I have identified to the character and appearance of the area and the living conditions of the occupants of No's 6, 8, 10 and 12 Cyprus Gardens with particular reference to outlook. I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR