
Appeal Decision

Site visit made on 14 June 2016

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 June 2016

Appeal Ref: APP/N5090/W/16/3144298

7 Summit Close, Southgate, London, N14 7NR

- 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 Anton Prenga against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/05180/FUL, dated 13 August 2015, was refused by notice dated 16 October 2015.
 - The development proposed is the erection of a new two-storey dwelling house (lower ground and ground floor level). Associated parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for is the erection of a new two-storey dwelling house (lower ground and ground floor level). Associated parking and amenity space at 7 Summit Close, Southgate, London, N14 7NR in accordance with the terms of the application, Ref 15/05180/FUL, dated 13 August 2015, subject to the conditions in the attached Schedule.

Procedural Matter

2. I have used the Council's description of development as it is more concise than the appellant's. The appellant has submitted amended plans but it is not clear whether or not these have been subject of public consultation and therefore I base my decision on the refused plans.

Main Issues

3. The main issues are the effect of the proposed dwelling upon (i) the character and appearance of the area; and (ii) the living conditions of the (a) future occupiers in respect of outlook and accessibility and of (b) the neighbouring occupiers in respect of noise, disturbance and privacy.

Reasons

Character and Appearance

4. Summit Close is characterised by traditionally constructed mid 19th century detached and semi detached dwellings which present strong design coherence to the street-scene in terms of their detail, scale and layout. The site is within an area identified as "suburban" within the Council's Characterisation Study. No 7 is towards the head of the cul-de-sac and has a garden substantially larger than most of its neighbours.

5. The proposed dwelling would be of a contemporary design which would be nothing like the surrounding dwellings. It would be to the rear of the street frontage, lower than other dwellings, and have an L shaped footprint. Therefore, it would introduce a form of development which would be different to the existing street pattern, layout of surrounding plots and design of nearby houses.
6. That said, being different does not automatically equate to harm. The dwelling would be to the rear of the existing houses fronting Summit Close; it would be significantly lower than surrounding houses; and it would be set a long way back from the street frontage. Consequently, the dwelling would have no material impact upon the street-scene or to the wider public arena. The development would take up part of the existing garden. However, in the context of this garden being unusually large for its location, and because sufficient garden space would remain for both dwellings, I consider that developing part of it in this manner would not harm the character or appearance of the area.
7. I therefore conclude that the proposed dwelling would not harm the character and appearance of the area and there would be no conflict with Policy 3.5 of the London Plan 2015; Policy CS5 of Barnet's Local Plan (Core Strategy), 2012 (CS); Policies DM01 and DM02 of Barnet's Local Plan (Development Management Policies) 2012 (DMP); and Barnet's Supplementary Planning Document: Residential Design Guidance, 2013 (SPD). In combination, these policies seek to protect local context and the character and appearance of the area.

Living Conditions

8. The kitchen / dining living room would be open plan and would extend the full depth of the house. It would have windows in all sides and there would be roof-lights above the staircase. I noted at my visit that trees do not overhang the vicinity of where the roof-lights would be. The windows in the side elevation facing the boundary would be close to the trees and would be shaded by them. However, as there would be other windows in the room, the outlook from, and amount of light to this room would be acceptable.
9. The habitable rooms on the lower ground floor would all have at least one large window away from the trees. Three of the bedrooms would also have roof-lights. Therefore, the outlook from these rooms would also be acceptable.
10. The proposed drive would pass close to several windows in the side of No 7 which are to a guest room/office and living room. It is not unusual for people to pass-by windows. In any event, one dwelling would generate very limited movement and I do not consider that privacy or quietude would be adversely affected. The existing house also contains another living-room and dining area. Therefore, even if there were to be some disturbance from cars travelling along the drive, this would be mitigated by the availability of other ground floor habitable space.
11. I also note the concern in respect of the garden of No 8 as the drive would be alongside its side boundary for most of the length of its rear garden. However, there is a thick hedge on this boundary, and given the small number of movements generated by a single dwelling, I consider that there would be no harmful effect upon the adjoining garden in terms of noise or privacy.

12. The drive would be long which means that bins would have to be wheeled some distance towards the road. However, the hardest part of moving a wheelie bin is tipping it onto its wheels. Wheeling it along a straight and surfaced drive is far easier than the initial tipping manoeuvre and therefore, wheeling it a bit further than normal would make little difference to whether or not a person is physically able to put a bin out onto the street. Therefore, I consider that the long drive would not make the dwelling materially less accessible than a house with a short drive. Amended plans have been submitted as part of the appeal showing the bin store closer to the road. I see no benefit in moving the bins further away from the house as it would cause more inconvenience taking rubbish to the end of the drive on a daily basis than it would wheeling bins along the drive less frequently.
13. I therefore conclude that the proposed dwelling would not harm the living conditions of future occupiers in respect of outlook and accessibility or of the neighbouring occupiers in respect of noise, disturbance and privacy. Consequently, I find no conflict with Policy 7.4 of the London Plan; DMP Policies DM01 and DM02; CS Policy CS5; or the SPD. In combination, these policies seek to protect residential amenity. Neither do I find conflict with DMP Policy DMO3 or London Plan Policy 7.2 which indicate that development should be designed so that it can be used safely, easily and with dignity by all regardless of disability and age.

Other Matters

14. The trees on the adjoining land are covered by a Tree Preservation Order and the Council is satisfied that the development would be outside of the root protection areas and would not result in the loss of any trees. I have no reason to disagree.
15. I have considered the Council's concern about precedent. Each application and appeal must be treated on its individual merits. Given that I have concluded that the proposal would be acceptable on its own particular merits, I can see no reason why it would lead to harmful developments on other sites in the area.
16. I have had regard to third party representations. I have no technical evidence that the addition of one dwelling would have a material impact upon highway safety, pollution or crime in the area. There would be sufficient space within the curtilage of the new dwelling for parking and therefore, I consider that it would not add or lead to parking pressure in the street. I appreciate that the garden may not constitute previously developed land but this factor does not automatically preclude its development. I note a comment that the site is not within Barnet's growth area but that does not preclude development either.
17. I have had regard to all other matters raised but none outweigh the conclusions I have reached.

Conditions

18. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interests of precision, to define the plans with which the scheme should accord. Conditions concerning external materials, landscaping, protection of trees, details of boundary treatment, bin storage, gates and site levels are required in the interests of character and appearance.

In the interest of highway safety I impose a condition in respect of the drive and parking. A construction method statement is required in the interest of the living conditions of neighbours. I have not imposed conditions in respect of the subdivision of the plot as this is shown on the approved plan. Neither have I imposed conditions relating to water efficiency, accessibility/adaptability, and CO2 emissions as such conditions would fail the test of necessity and they are covered by Building Regulations. Conditions 3, 5, 7, 8 and 9 are pre-commencement conditions as these matters cannot be satisfactorily dealt with at any other time.

Conclusion

19. For the reasons above, I allow the appeal subject to conditions.

Siobhan Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:- Site Location Plan, Tree Survey dated 25th March 2015, Tree Survey Plan, Land Survey, SUMc7_ga 000, SUMc7_ga 001, SUMc7_ga 002, SUMc7_ga 99, SUMc7_ga 100, SUMc7_ga 101, SUMc7_ga 200, SUMc7_ga 201, SUMc7_ga 202, SUMc7_ga 203, SUMc7_ga 204, SUMc7_ga 205, SUMc7_ga 206, SUMc7_ga 300, SUMc7_ga 301, SUMc7_ga 302 and SUMc7_ga 303.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The dwelling shall not be occupied until the access and parking space has been laid out within the site in accordance with the approved drawings. The drive and parking areas shall be retained thereafter.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - hours of construction/demolition;
 - storage of plant and materials used in constructing the development;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 6) The dwelling shall not be occupied until details of gates and boundary treatments have been submitted to and approved writing by the local

planning authority. The approved details shall be implemented before the first occupation of the building and shall remain thereafter.

- 7) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include details of existing trees and shrubs to be retained and size, species, and positions of new planting; proposed finished levels or contours; bin storage and means of enclosure. The approved scheme shall be completed before the end of the first planting and seeding season following occupation of the dwelling. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within 5 years of the completion of development, shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 8) No development shall take place until details of earthworks and slab levels have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading of land areas including the levels and contours to be formed, showing the relationship of proposed levels to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
- 9) No development shall commence (including site clearance and demolition) until full details of tree protection methods have been submitted to and approved in writing by the local planning authority and the approved protection is in place. The protection shall remain in place until after the development has been completed and nothing shall be stored within the protected areas at any time.