
Appeal Decision

Site visit made on 26 July 2016

by Emma Tinsley-Evans BSoc.Sc MA MRTPI

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

Decision date: 16 August 2016

Appeal Ref: APP/N5090/W/16/3150330

89 - 91 Edgwarebury Lane, Edgware HA8 8LZ

- 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 Sunny Popat against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/03004/FUL, dated 28 May 2015, was refused by notice dated 10 March 2016.
 - The development proposed is demolition of existing pair of semi-detached houses and erection of a two-storey building with rooms in roof space to provide 7 no. self-contained flats; private and communal amenity space; car parking and cycle storage; bin store and; associated hard and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing pair of semi-detached houses and erection of a two-storey building with rooms in roof space to provide 7 no. self-contained flats; private and communal amenity space; car parking and cycle storage; bin store and; associated hard and soft landscaping at 89 - 91 Edgwarebury Lane, Edgware HA8 8LZ in accordance with the terms of the application, Ref 15/03004/FUL, dated 28 May 2015, subject to the conditions set out in the schedule attached to this decision.

Application for costs

2. An application for costs was made by Mr Sunny Popat against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Preliminary Matters

3. The planning application was amended following submission to the Council but prior to its determination. The revisions included a number of changes to the design and layout, and a reduction in the number of flats from 8 to 7. I have determined the appeal on the basis of these revisions which are reflected in the description of development above and used by the appellant on the appeal form.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.
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Reasons

5. The appeal site is located on Edgwarebury Lane in a residential area characterised by a mix of predominantly 2 storey detached and semi-detached properties of varying styles and designs. There are some flatted developments in the immediate locality and I am mindful that some dwellings have also been converted into flats or have planning permission to do so.
6. The appeal site occupies a corner plot at the junction of Edgwarebury Lane and Fairview Way and currently accommodates a 2 storey pair of semi-detached properties. These houses form part of a row of similarly designed dwellings along this part of Edgwarebury Lane. Whilst some have been extended and altered, they have retained a fairly symmetrical appearance with hipped roofs, square bay features and an arched brickwork design detail. There is a regular pattern of development and a consistent front building line, with the properties set back from the highway behind front gardens and driveways.
7. The appeal proposal would see the demolition of the existing pair of semi-detached properties and the erection of a 2 storey building to accommodate 7 self-contained flats. The front building line of the proposed development would be consistent with that of the neighbouring properties and its design would reflect the materials and some other architectural detail that is characteristic of this part of Edgwarebury Lane including hipped roofs, flat roofed front bays and fenestration details. This would be in accordance with the Council's Residential Design Guidance Supplementary Planning Guidance 2013 (SPD) with regard to enhancing local character.
8. Like its immediate neighbours, the proposed development would have a fairly symmetrical appearance with central chimney feature and the design of the proposal would be comparable to a pair of semi-detached houses that would include 2 points of entry at the front to reinforce this. I therefore consider that the proposal reflects an understanding of local characteristics which would respect the appearance and pattern of surrounding buildings as required by Policy DM01 of the Council's Development Management Policies Development Plan Document 2012 (DMP DPD).
9. I acknowledge that the proposed development would occupy more of the site than the existing houses and that built development would extend closer to the site boundaries than at present. However, given that many properties have 2 storey side extensions, built development close to boundaries is not uncommon. Moreover, a gap would be retained between the proposed building and its neighbour at 87 Edgwarebury Lane and as it would occupy a corner plot with no immediate neighbours to the north, the building would not appear cramped or disproportionate in the street scene. Consequently, I do not consider that it would be an overly dominant form of the development on Edgwarebury Lane.
10. The bulk and mass of the building would be broken up by the front bay features and subservient additions at the side and rear, which are akin to other residential extensions in the immediate locality. Whilst the ridge height would also be slightly higher than its immediate neighbours, I do not consider that this is so significant as to appear disproportionate to the other existing properties along this part of Edgwarebury Lane. Moreover, given the overall variety of house types, styles and designs in the surrounding area and the

variations in bulk and massing, I do not consider that the proposed building would be visually obtrusive in the street scene.

11. I note the opinion of local residents and others that this part of Edgwarebury Lane has a unique character which is reinforced by these semi-detached houses which exhibit the arched brickwork feature. However, this style and design of property is not limited to this part Edgwarebury Lane. Examples can be seen around the immediate area including along Fairview Way and Mowbray Road and on the opposite site of the Edwarebury Lane where the dwellings sit comfortably alongside properties of differing styles and designs.
12. Further, whilst the arched brickwork detail would not be replicated in the proposed development, I do not consider that this would be detrimental to the character and appearance of the area given that the building would reflect the local distinctiveness of this part of Edgwarbury Lane in other ways.
13. I also note the view of some local residents and others that there is no requirement for flatted developments and that the appeal proposal would change the character of the area. However, flats are not uncommon in the immediate locality and consequently, they do form part of the character of the area. Whilst the proposal would not provide typical family houses, it would nevertheless accord with the National Planning Policy Framework (the Framework) objective to boost significantly the supply of new housing, and although there is disagreement between the parties over whether the Council can demonstrate a 5 year housing land supply, the provision of 7 flats to the Council's overall housing supply is a benefit of the proposal which weighs in its favour.
14. I note that Policy DM01 of the DMP DPD seeks to resist the loss of houses in roads characterised by houses. However the design of the building would be in keeping with the surrounding dwellings and would preserve local character in accordance with the Policy.
15. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area. I find no conflict with policies 7.4 and 7.6 of the London Plan 2015¹ which seek to ensure, amongst other things, that development is of a high quality design, of a proportion, composition and scale that enhances the public realm and complements local architectural character. The proposal would accord with policies CS1 and CS5 of the Council's Core Strategy² which, amongst other things, seeks to create a quality environment that respects local context and distinctive local character. On balance, the proposal would not conflict with Policy DM01 of the DMP DPD which requires development proposals to preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, amongst other things.

Other Matters

16. The proposed development would make provision for 7 car parking spaces. This is in accordance with the Council's requirement and I have no substantive evidence before me to suggest that the development would give rise to additional parking pressures or be detrimental to highway safety.

¹ The Spatial Development Strategy for London consolidated with alterations since 2011.

² Barnet's Local Plan (Core Strategy) Development Plan Document 2012

17. I note the concerns of local residents and others regarding the impact of the proposed development on the living conditions of the occupants of surrounding properties with regard to outlook, loss of privacy and loss of light. However, there is sufficient distance between the proposed building and the properties on Fairview Way such that there would not be any significant loss of privacy. Whilst the proposal would be closer to No 87 than the existing dwelling, a gap would be retained and the proposed development would not be significantly perceptible from the front and rear windows of No 87 such that it would be visually intrusive or result in a significant loss in levels of light. The windows in the flank elevation facing No 87 are proposed to be obscure glazed and this can be secured by an appropriate planning condition, and the provision of a boundary fence would ensure privacy between the proposed development and No 87 at ground floor level.

Conditions

18. I have had regard to the conditions put forward by the Council and the appellant's comments. Having considered them against the tests in the Framework and advice in the Planning Practice Guidance, I have amended or combined some conditions in the interests of clarity and to avoid duplication.
19. In addition to the standard time limit condition, a condition requiring development to be carried out in accordance with the approved plans is necessary in the interests of certainty.
20. Conditions relating to the use of external materials and the submission of hard and soft landscaping details are also necessary, and it is reasonable to require the details of these to be submitted prior to the commencement of development to secure the timely implementation of the hard and soft landscaping and ensure the satisfactory appearance of the development.
21. In the interests of safeguarding the privacy of adjoining occupiers it is reasonable to impose a condition requiring the use of obscure glazing in the windows at and above first floor level in the flank elevation facing 87 Edwarebury Lane.
22. It is necessary to impose a condition to ensure that the development makes adequate provision for the parking of cycles and the parking and manoeuvring of vehicles. It is also reasonable to impose a condition to ensure that the building is used solely for the purpose as intended, as self-contained units of residential accommodation.
23. Given that the appeal site is located in a residential area, it is reasonable to require the submission of a Construction Method Statement in the interests of highway safety and to ensure that the living conditions of neighbouring residents are not unduly harmed. In order to ensure that satisfactory arrangements are made for the storage and collection of refuse and recycling, it is also reasonable to impose a condition requiring the details of such arrangements to be submitted.
24. However, I do not consider that it is necessary to impose conditions relating to requirements that would ordinarily be included within other statutory controls.

Conclusion

25. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Emma Tinsley-Evans

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1215/2080/1; A107; A.01 Rev:02; A.02 Rev:01; A.03 Rev:01 except in respect of the proposed ground floor / site plan as shown on plan A.02 Rev:01 which shall be carried out in accordance with plan A.01 Rev:02.
- 3) No development other than demolition works shall take place until details of all external facing materials of the building hereby permitted have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) means of enclosure, including boundary treatments and the sub-division of amenity areas;
 - ii) hard surfacing materials;

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied and retained as such thereafter.

- 5) No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. The scheme shall include details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping.

All work comprised in the approved scheme of soft landscaping shall be carried out in the first planting and seeding season following first occupation of any part of the building hereby permitted or the completion of the development, whichever is the sooner.

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved soft landscaping scheme which are removed, uprooted, destroyed or die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within 5 years of the completion of the development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

- 6) The building hereby permitted shall not be occupied until the windows at and above first floor level in the flank elevation facing 87 Edgwarebury Lane have been fitted with obscured glazing and shall be retained as such thereafter. These windows shall be permanently fixed shut with only a fanlight opening.
- 7) Before any part of the development hereby permitted is first occupied, parking spaces, cycle parking and turning spaces as shown on plan A.01 Rev:02 shall be provided and marked out within the site. The parking spaces shall be used only in accordance with the scheme approved and

not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

- 8) The building hereby permitted shall be used as self-contained units as shown on the approved plans under Class C3(a) and for no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 9) 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 Statement shall provide for:
- i) access to the site;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of any means of temporary enclosure or security hoarding;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 10) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- i) A Refuse and Recycling Collection Strategy to include details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider;
 - ii) Enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
 - iii) Plans showing satisfactory points of collection for refuse and recycling.

The refuse and recycling facilities shall be provided in full accordance with the details approved under this condition before the development is first occupied. The development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.