

Appeal Decision

Site visit made on 31 August 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 20 September 2016

Appeal Ref: APP/N5090/W/16/3146452

Site of Former 16 Church Way, Whetstone, London N20 0LA

- 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 John Kennedy against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/04334/FUL, dated 10 July 2015, was refused by notice dated 10 May 2016.
 - The development proposed is the Construction of 1 No. 4 bed and 1 No. 5 bed detached houses.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the surrounding area; and
 - (ii) the living conditions of the occupiers of Nos 14 and 18 Church Way, with particular regard to noise.

Reasons

Character and Appearance

3. Detached and semi-detached houses set mostly behind front gardens and hard surface areas predominate along Church Way and the surrounding streets. This results in a cohesive residential character to the locality. The appeal site is a residential plot on which, prior to its demolition in 2006, the former dwelling of 16 Church Way resided. The back land aspect of the site is of an irregular shape and runs to the rear of 10 to 28 Church Way and 183 to 189 Friern Barnet Lane.
4. The appeal proposal seeks to erect 2 detached dwellings on the site, not readily visible from the street scene, with access via the existing long driveway between 14 and 18 Church Way. I am mindful of the fact that the site has been the subject of a refusal for planning permission¹ and also a subsequent dismissal at appeal².

¹ Council reference N00466J/07

² Appeal reference APP/N5090/A/07/2046945

5. I accept that the proposal complies with the provision of amenity space as detailed within the London Borough of Barnet Local Plan Supplementary Planning Document: Residential Design Guidance 2013 (the RDG). Furthermore, the dwellings are positioned as to avoid the root protection areas of the protected trees on site.
6. Notwithstanding the above, whilst the trees subject to tree preservation orders would be maintained, the proposal would lead to the loss of much of the existing vegetation on site. The built development would therefore completely change the undeveloped character of the back land. At the same time, the outlook experienced by the occupants on Church Way and Friern Barnet Lane whose rear gardens adjoin the site would be severely diminished.
7. Moreover, the uncharacteristic gap on Church Way and the introduction of the two substantial dwellings, and level of associated domestic paraphernalia, would be at variance with the existing pattern of development in the area, which is characterised by frontage housing lining a network of roads.
8. I recognise that the development would make efficient use of the land in providing additional housing supply within the locality but I do not consider that this benefit would overcome the harm that I have identified above.
9. Accordingly, I consider that the proposal would cause significant harm to the character and appearance of the area. This runs contrary to Policy DM01 of Barnet's Local Plan – Development Management Policies, Development Plan Document 2012 (the DMP) and Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan – Core Strategy, Development Plan Document 2012 (the CS) which, amongst other things, seek to protect the character and appearance of the area. The proposal would also be at odds with the National Planning Policy Framework (the Framework), which notes that development should respond to local character of an area.

Living Conditions

10. It is evident that the proposal complies with guidance relating to separation distances as detailed within the RDG. However, concern was raised by the Council with regards to noise and disturbance from vehicles on site.
11. Noise can have significant effects on the environment and on quality of life. Exposure to significant levels of noise can have effects on sleep and general annoyance and can, in some circumstances, lead to chronic health effects. In view of this noise is a material consideration in planning decisions. Paragraph 123 of Framework also states that both planning policy and planning decisions should aim to avoid noise from giving rise to significant adverse impacts on the quality of life as a result of new development.
12. The proposal would provide spaces for up to 7 vehicles and the access would extend the full length of both gardens of 14 and 18 Church Way. I recognise that the level of vehicular movements from the 2 dwellings would be relatively low.
13. Nonetheless, the proposal would result in a level of moving and stationary vehicles. Noise from engines, vehicle doors being slammed and radios would be generated in relative proximity to the habitable rooms of both Nos 14 and 18, as well as their main garden areas. This would result in occupiers of both dwellings experiencing noise and disturbance arising from vehicles moving in

close proximity, over which the occupiers of the property would have no control.

14. I accept that there is an approximately 2.8 metre strip on either side of the access road which possibly could be densely planted to reduce noise levels. I further note the suggestions made by the appellant with regards to acoustic barriers, specific surfacing materials and traffic management construction details with the aim of reducing vehicular noise. Whilst I acknowledge that such measures may reduce noise levels to an acceptable level, no details have been submitted with regard to any of the suggested measures. In the absence of such details, I am therefore not persuaded that the matter could be dealt with by the imposition of a condition.
15. Consequently, the proposal, would in my view, result in an unacceptable level of noise and disturbance for the occupants of Nos 14 and 18, causing significant harm to the quiet enjoyment of those dwellings. Accordingly, the proposal would conflict with Policies DM01 and DM04 of the DMP, Policies CS NPPF and CS5 of the CS and guidance contained within RDG and the London Borough of Barnet Local Plan Supplementary Planning Document: Sustainable Design and Construction 2013 (the SDC). When taken together these policies seek to ensure buildings are of a high quality design which protect residential amenity. These policy aims are also consistent with the Framework.

Other Matters

16. Reference was made to the dwellings on Golfside Close. I have little information relating to the particular circumstances of this development but I note that planning permission has been granted and the dwellings constructed. As such, a comparison is of limited relevance in this instance. Accordingly, I have considered the appeal before me on its individual planning merits.

Conclusion

17. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR