
Appeal Decision

Site visit made on 13 September 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 21st September 2016

Appeal Ref: APP/N5090/W/16/3153473

77 Hale Lane, Mill Hill, London, NW7 3RU

- 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 Vasileios Pilinis against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/2674/FUL, dated 22 April 2016, was refused by notice dated 22 June 2016.
 - The development proposed is the creation of a new 2 storey residential dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

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

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is located towards the northern end of Downhurst Avenue, close to the junction with Hale Lane. It is a small plot that appears to have once formed part of the rear gardens to Nos 77-79 Hale Lane.
 5. The western side of Downhurst Avenue is characterised by a strong building line consisting mostly of semi-detached properties. However, the proposed dwelling would project around 5 metres beyond the established building line. This would be out of keeping with the rest of the street and would make the dwelling appear harmfully incongruous and unduly prominent in the local context. Whilst Nos 77-79 create a 'visual stop' at the end of the road, these properties front Hale Lane and therefore have a very different relationship to Downhurst Avenue than the appeal dwelling. In addition, the presence of stepped building lines in other nearby streets is not a justification for interrupting a strong building line in this location.
 6. Furthermore, the proposed dwelling would have an eaves height significantly above the adjacent property (No 1 Downhurst Avenue). This is only partly
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accounted for by the sloping topography, and would give the dwelling an awkward appearance that would not successfully connect the properties on Hale Lane and Downhurst Avenue. It would also increase the prominence of the dwelling in the street.

7. Whilst the proposal would not interrupt the skyline at the northern end of the road (when viewed from the south), and would include some sympathetic design features, this would not significantly mitigate the harm identified above.
8. Separately, the development would not appear unacceptably cramped within the plot itself. Whilst it would occupy almost the full width of the plot, it would not be out of keeping with the tight grain of development in the area.
9. I conclude that the development would unacceptably harm the character and appearance of the area. It would therefore be contrary to Policies CS1 and CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document (2012), Policy DM01 of the Barnet Development Management Policies Development Plan Document (2012), and the Residential Design Guidance SPD (2013). It would also be at odds with the National Planning Policy Framework which seeks to secure good design.
10. There would be no conflict however with Policy 7.3 of the London Plan, which relates to designing out crime. No evidence has been presented to substantiate any non-compliance with this policy.

Other Matters

11. The appellant states that if the land remains undeveloped there is a risk that it would revert back to being an unkempt and neglected parcel of land. However, the management of the land is the responsibility of the owner. This is not a matter to which I attach significant weight.
12. I note concerns from third parties regarding loss of outlook and human rights. However, it is not in dispute that the local minimum separation distances are met in this case. In addition, as the appeal is dismissed I do not need to conclude on the human rights implications of the development.
13. The Council has not objected to the development on the grounds of highways safety or inadequate parking, and I see no reason to take a different view in this case.

Conclusion

14. For the reasons set out above, I conclude that the development would unacceptably harm the character and appearance of the area. Whilst there would be a positive benefit in terms of the provision of new housing, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR