
Appeal Decision

Site visit made on 27 September 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 30 September 2016

Appeal Ref: APP/N5090/W/16/3153135
161A Holden Road, London N12 7DX

- 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 P Cass against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/2172/OUT, dated 24 March 2016, was refused by notice dated 1 June 2016.
 - The development proposed is the erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline for the erection of a single storey dwelling with all detailed matters reserved.

Main Issues

3. The main issues are the effect of the proposal upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of No 161A Holden Road in respect of outlook.

Reasons

Site and proposal

4. The appeal site is positioned behind a four storey block of flats known as Holden Heights and to the rear of a single storey flat roofed dwelling (occupying land which was previously a garage colony) which was built in accordance with planning permission reference B/03397/12. Access to the appeal site is from a sloping access drive from Holden Road and which passes between Holden Heights and 159 Holden Road (five flats). The access currently serves No 161A Holden Road which is a single storey property with a green roof. There are a number of two storey detached houses to the south of the site off Laurel View. Immediately to the west of the site is Dollis Brook and to the north is Whetstone Stray Public Open Space.
5. Whilst all detailed matters are reserved for a subsequent reserved matters application, the appellant has provided an indicative drawing which shows the position of the proposed dwelling. I have taken this into account as part of the

determination of the application. It shows an "L" shaped bungalow to the west (rear) of No 161A Holden Road. Both the appellant's planning statement and planning application form indicate that the dwelling would be single storey. The appellant has stated that the dwelling would be about 100 square metres, would have a flat roof of less than 5 metres and that it would be similar in appearance to No 161A Holden Road. There would be an area of amenity space to the west (facing Dollis Brook) of about 375 square metres.

Character and appearance

6. The land immediately to the north is Metropolitan Open Land (MOL) which is essentially green and open in appearance and includes a number of allotments. Paragraph 7.17 of the London Plan 2015 (as amended), as referred to by the Council in its refusal notice, states that *"the strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL"*. However, the site does not fall within MOL, and therefore I do not consider that Paragraph 7.17 of the London Plan is of direct relevance.
7. Notwithstanding the above, Policy DM15 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP) states that *"development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings"*. The site is currently open and provides a soft and undeveloped edge between the MOL, development to the south, and development to the east. The erection of a dwelling, even if single storey in height, would, given its prominent location within an otherwise open area, have an intrusive and harmful impact upon the open landscape setting. Whilst some mature planting on the boundaries would partly screen the development, I am not persuaded that this would mitigate the harmful impact to an acceptable degree. In my view, the dwelling would appear out of place and discordant within the prevailing open and green setting and its existence would be particularly apparent when viewed from the adjoining MOL, including the public footpath which runs through the open space to the west of Dollis Brook. Such views would be particularly apparent during the autumn and winter months when the trees were without leaf.
8. I have been referred to a proposal to erect a dwelling in a similar location which was dismissed on appeal in 2008 (appeal reference APP/N5090/A/06/2031190). I acknowledge that No 161A Holden Road has been built since this appeal was dismissed, and in that regard the appellant is correct that things have changed. However, the dwelling was built on land which was occupied by a number of garages and hence such land was not as open as the appeal site. Consequently, I do not consider that circumstances have changed materially since 2008. I note the comments made by the appellant about No 161A Holden Road appearing somewhat isolated, but this would not justify allowing the appeal dwelling.
9. For the above reasons, I therefore conclude that the proposal would have an adverse impact upon the character and appearance of the area (including the adjacent MOL), and would not accord with the design aims of policies CS NPPF and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012; the DMP, the Barnet Residential Design Guidance Supplementary

Planning Document 2013 and the Barnet Sustainable Design and Construction Supplementary Planning Document 2013.

Living conditions

10. Based on the indicative plans, the proposed bungalow would be sited about 15 metres from the rear elevation of No 161A Holden Road (and approximately 10 metres from its rear boundary). The appellant states that the dwelling would not be visible from No. 161A Holden Road as the approved drawings for planning permission reference B/03397/12 included the erection of a replacement brick wall on the western boundary of the appeal site, which would be similar in height to the flat roof of the approved dwelling. I do attach some weight to this matter: the occupiers of No 161A Holden Road were no doubt content with such an arrangement, and in that context the proposal would not be too dissimilar in terms of scale and position.
11. In addition to the above, and notwithstanding the indicative layout drawing, this is an outline proposal. Therefore, there would be scope to position the dwelling further to the west (acknowledging that this could only be to a limited degree given the fall in land levels to the stream). It would also be possible, should the brick wall not be built, to erect a sensitive form of boundary treatment which would ensure that there was no unacceptable overlooking between single storey properties or an unacceptable loss of outlook. Indicative internal floor plans have not been submitted, but I can see no good reason why it would not be possible to avoid habitable room windows on the elevation facing the rear amenity area of No 161A Holden Road. I therefore consider that the appeal site is sufficiently large enough to site a dwelling on it whilst also ensuring that there is sufficient separation distances between all surrounding properties. Subject to the dwelling being single storey only, this could be achieved without such development having an unacceptably overbearing or dominant impact upon the occupiers of No 161A Holden Road. This is a matter that could be considered at reserved matters stage.
12. For the above reasons, I conclude, in principle, that the proposal would not have a detrimental impact upon the living conditions of the occupiers of No 161A Holden Road in respect of loss of outlook. Therefore, the proposal would not conflict with the amenity aims of Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012, Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 and the Barnet Residential Design Guidance Supplementary Planning Document 2013.

Other Matters

13. I have taken into account the representations made by a number of other interested parties. I have already addressed the effect of the proposal upon the character and appearance of the area in this decision.
14. Comments have been made that land levels have been raised on the site without obtaining planning permission. As the appeal is dismissed it has not been necessary for me to pursue this matter further. However, had the proposal been acceptable in terms of its effect upon the character and appearance of the area, it would have been necessary to have obtained clarification regarding this matter particularly in terms of considering the effect of the development upon the occupiers of surrounding residential properties

(including garden areas) including those properties on Laurel View. The Council have planning enforcement powers to investigate this matter further.

15. I note the comments made about Holden Road in terms of the volume of traffic using it, but I do not have any objective evidence before me to demonstrate that the proposal would be unacceptable from a highway safety point of view. Had the appeal been allowed, it would have been possible to have dealt with noise and activity at construction stage by means of the imposition of a planning condition.

16. None of the other matters raised outweigh my conclusions on the main issues.

Conclusion

17. Whilst I have found that the proposal would not, in principle, have a detrimental impact upon the living conditions of the occupiers of No 161A Holden Road, significant harm would be caused to the character and appearance of the area (including the adjoining MOL). This is an overriding concern and therefore I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR