

Appeal Decision

Site visit made on 20 September 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 05 October 2016

Appeal Ref: APP/N5090/W/16/3154654

Garages at 1-4 Porch Way, Barnet N20 0DS

- 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 Andreas Antoniadis against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/2477/FUL, dated 14 April 2016, was refused by notice dated 10 June 2016.
 - The development proposed is the erection of a single-storey three bedroom new home on a former domestic garage site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are firstly, the effects of the proposed development on the character and appearance of the area; and secondly, its effects on the living conditions of its future occupants in terms of outlook and amenity space.

Reasons

Character and appearance

3. The appeal site is located within Porch Way, a residential area which principally comprises two-storey pitched-roofed dwellings. Roughly funnel shaped and at the front tightly bounded by flank walls of its adjoining properties to either side, with the deep back gardens of Bawtry Road to the rear, the appeal site formerly included a garage block accessed at the bend of the road. At my visit I saw that the garages had been largely demolished and that tall fencing has been erected around the site.
 4. The appeal scheme seeks residential redevelopment of the site through provision of a flat-roofed, single-storey three bedroom property. One off-street parking space would be provided to its front on the existing access for the garages. Open space would be provided to the front and rear of the proposed development, and space for cycle parking and bin storage would be provided to its western flank wall.
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5. I have been referred to a previous appeal decision in respect of the site¹. The previous proposal was for a four bedroom property, of a similar design to the current scheme, but with less amenity space provided at the rear. In that previous appeal decision the Inspector concluded that whilst a well-designed and suitably scaled single storey home could be appropriate on the site, the site coverage of the previous proposal would render it discordant in character and appearance terms.
6. In the current case, the proposal would include only three bedrooms, which would enable the delivery of more amenity space to the rear than was the case in the previously refused scheme. Whilst the proposal would be set back further from the road than the previously refused scheme it would have a greater width and thus be much closer to the western boundary of the site. The flank wall on this western elevation would consequently run hard up to the site boundary for some of its length, as would the proposed flank wall on its opposite side. This would constitute an intensity of site coverage that would impart a cramped and shoehorned character to the proposed development. Moreover, the rearmost wall of the proposed dwelling would also run tightly up to the appeal site's rear boundary, which would further emphasise the intensity of residential development onsite, at variance with the area's wider grain. This cramped congestion would be further exacerbated by proposals to squeeze cycle and bin storage in the wedge of space between the proposed western elevation and the flank wall of the adjacent property.
7. The rear amenity space proposed would be a considerable increase to that of the previously refused scheme, and could deliver an area similar to that of some other rear gardens in the area. However, it would still vary considerably from the more generous plots achieved in its immediate environs, particular to its rear, and this would exacerbate the cramped nature of the proposed development, and would thus be discordant to the prevailing suburban and more spacious character of its surroundings.
8. Whilst I concur with the previous Inspector that there is no necessity for architectural replication in this locale, and that the limited height of the proposal would retain a visual gap at upper storeys, I consider that the principal objection to the previous scheme would not be overcome by the revisions that have led to the proposed development.
9. Consequently, the proposed development would cause considerable harm to the character and appearance of its surroundings and would thus conflict with Policies CS1 and CS5 of *Barnet's Local Plan (Core Strategy)* (adopted September 2012) ('the Core Strategy'); Policy DM01 of *Barnet's Local Plan (Development Management Policies)* (adopted September 2012) ('The DM Policies'); and the National Planning Policy Framework ('the Framework'). Taken together, and amongst other matters, these policies seek to ensure that development proposals respond to local context and character, create quality environments, and respect the pattern of surrounding buildings and spaces.

Living Conditions

¹ APP/N5090/W/15/3139361

10. I have considered whether the windows for bedrooms 2 and 3 of the proposed development would provide acceptable outlook for its future occupants. I note the previous Inspector's comments that outlook from bedrooms is less critical than from some other parts of the dwelling. However, I consider that the outlook available from proposed bedroom 2 would be tightly constrained by the flank wall of the adjacent property, and the proposed flank wall on the window's other side, both of which would loom large in views from the window and be overbearing and enclosing. Moreover, the proposed bin storage would also be close and prominent from bedroom 2's window, and would further reduce the quality of the outlook available. Whilst the window would meet a 20% target of glazing to habitable rooms, the proposal would not be optimal in terms of the outlook afforded, and thus of some harm to the future occupants of the proposed building. Conversely, the outlook available from the windows of bedroom 3, overlooking the proposed rear amenity space would not have the same sense of constrained enclosure and consequently, would not be of significant harm to its future occupants.
11. The proposed development would deliver around 63 SqM of open space. In terms of the space to the front and sides, due to its limited privacy, the access required for neighbouring dwellings and the practical shape and utility of some of the spaces, it would not meet the requirements of the *Mayor of London's Housing Supplementary Planning Guidance* (adopted March 2016) ('the Housing SPG'), *Barnet's Residential Design Guidance Supplementary Planning Document* ('the Design Guidance') and *Barnet's Sustainable Design and Construction Supplementary Planning Document* (adopted April 2013) ('the Construction SPD').
12. However, the appeal scheme would deliver around 25 SqM of amenity space to the rear, which would meet these requirements in every respect except the amount of space required by the Design Guidance and Construction SPD. I am mindful, however, that the amount of rear amenity space provided alone would meet the relevant requirement of the Housing SPG. Moreover, the appellant supplied evidence, and indeed I saw onsite, public open space in the wider area that would be accessible to the proposed development's future residents. Consequently, I consider that the proposed development would make adequate provision for amenity space to meet the day-to-day needs of its future occupants.
13. I have found that no harm would arise to the living conditions of the proposed development's future occupants in terms of the amount of amenity space provided, and thus no conflict with Policy DM02 of the DM Policies in this regard. Neither have I found any harm would be caused in terms of outlook from bedroom 3. However, I have found that some harm would arise from the inadequate outlook available from bedroom 2's window. This would be a symptom of the cramped development approach and add to my overriding concerns regarding the appeal scheme. Thus in this regard the proposal would fail to provide a good quality of living conditions for its future occupants and conflict with Policy DM01 of the DM Policies. This policy, amongst other things, seeks to ensure that new development is designed to provide adequate outlook for its potential occupiers.
14. Whilst I have found variance with the development plan policy mentioned above, I consider the proposal would conflict with neither CS5 of the Core Strategy or Policy 3.5 of the London Plan. The former policy relates to high

level design principles and place-making and the latter mainly to the amount of internal space provided by a proposal, which this proposed development would meet. However, lack of conflict with these policies in these regards does not outweigh the proposed development's variance with Policy DM01.

Other matters

15. The appeal site is reasonably well connected to public transport routes with a Public Transport Accessibility Level (PTAL) rating of 2. The proposal would also include off-road parking, and cycle parking. However, when assessed against the proposed development's harmful effects to the character and appearance of its surroundings and the living conditions of its occupants, these matters would not weigh heavily in its favour.
16. I concur that the appeal site is a brownfield one, and in principle would appear to be suitable for residential redevelopment. Moreover, I am aware that there is a general necessity for housing within the Greater London area. However, whilst I give moderate weight to these matters, the considerable harm caused to the area's character and appearance by the proposed development, combined with the inadequate outlook it would achieve, are considerations that would tip the overall planning balance against the scheme's approval.

Conclusion

17. Whilst in amenity terms the amount of space provided to the rear of the property would be acceptable, the appeal scheme would cause harm to the character and appearance of the area through its cramped and congested development approach, which would also fail to optimise the living conditions of its future residents due to the inadequate outlook provided from bedroom 2. For these reasons, the proposed development would be at variance with the development plan insofar as the policies that have been brought to my attention are concerned. No material considerations have been advanced that would outweigh this conflict. Accordingly I conclude, for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR