
Appeal Decision

Site visit made on 19 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/16/3154896

102 Hillside Gardens, Edgware, Barnet HA8 8HD

- 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 Sachin Israni-Bhatia against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/04741/FUL, dated 27 July 2015, was refused by notice dated 25 January 2016.
 - The development is described as "The proposed scheme is to build two semi-detached houses on part of the extensive garden of the existing house."
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Sachin Israni-Bhatia against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Procedural matters

3. The applicant's name given on the application form for planning permission differs from the one given on the appeal form. The appellant's statement makes it clear that the name I have used in the banner heading above is the correct one.
4. I have been supplied with a revised ground floor plan that was not before Council when it made its decision on the planning application. However, I am satisfied that the amendments on the submitted plan do not constitute a material change to the substance of the proposal, and consequently consider that no parties would be prejudiced by my consideration of their content.

Main Issue

5. I consider the main issue in this appeal to be the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is located within a broadly residential area, and consists of a semi-detached house set back from the corner of Hillside Gardens and its large trapezoid garden. Hillside Gardens comprises in the main semi-detached and
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detached two-storey properties with some detached bungalows. Hipped roofs predominate, though some properties in the immediate environs of the appeal site feature flat roofed dormers. To the rear of Hillside Gardens, the character of residential development is more mixed, with multi-storey flat roofed flatted accommodation across Sterling Road from the appeal site, but set back deeply from that highway behind a large grassed area bounded by a small brick wall topped by railings. On the same side of Sterling Avenue as the appeal site, there are short terraces of two-storey hipped-roofed dwellings set back from the pavement and orientated to follow the gentle curve of the road.

7. The appeal scheme seeks to introduce residential development in the rear garden of 102 Hillside Gardens which would front onto Sterling Avenue. The proposed development would comprise a pair of semi-detached properties with a gabled roof the ends of which would form their flank walls. The proposed dwellings would be set back from Sterling Avenue each with space for parking two cars. Their front elevations would feature a symmetrical pattern of openings bisected by a prominent party wall; two large rooflights would be to either side of this feature. At the rear there would be a flat-roofed two-storey projection, again separated by the prominent party wall. Large flat-roofed dormers, stepped down slightly from the ridge and in from the sides of the roof, would extend across the proposed rear roofslope. Fenestration would be extensive on all floors, and in the dormers on this rear elevation. The property would be faced in brick and the roof would be covered in slate.
8. The proposed development's large dormers would dominate its rear roof slope. This aspect of the design, taken together with the fenestration pattern, and the flat-roofed rear projection, would impart the character of a three storey property, with a roof style alien to those of its immediate surroundings. Combined with its incongruous siting in the context of Hillside Gardens, it would read as discordant and visually jarring element within that streetscene, at odds with the prevailing hipped roof character of the surrounding properties.
9. I saw that, in the wider surroundings of the appeal site there is the large flat roofed multi-storey development of Stonegrove Estate. However, the orientation of these larger developments, the space between them and the appeal site and the boundary treatments employed around that space mean that they do not provide as strong a context for the appeal proposal as the immediately surrounding dwellings on Sterling Avenue and Hillside Gardens. Due to these factors there would not be a strong visual relationship between the proposed development and these higher rise buildings, which clearly read as a separate character area to the bulk of Sterling Avenue and Hillside Gardens to which the appeal site more obviously relates. In both of these aspects the flat roofed and gable roofed elements would sit uncomfortably in the streetscene, an effect exacerbated on Sterling Avenue by the proposal's variance with the prevailing residential building line.
10. I saw that the development pattern along Hillside Gardens, comprised dwellings with relatively spacious rear plots. Due to its corner location the dwelling at the appeal site has a larger plot of a differing shape than those of its neighbours. However, the plot sizes delivered by the appeal scheme would be considerably smaller and of more irregular shapes than those of their neighbours. This would impart an appearance of cramped overdevelopment to the appeal site, which would be out of kilter with the prevailing development

pattern of its surroundings and add to the overall harm caused by the proposed development in character and appearance terms.

11. I note that some dwellings in the appeal site's surroundings have employed extensive flat roofed dormers, although I also saw that these are mostly to rear elevations of properties and thus faced away from Hillside Gardens. I saw that in some cases these dormers were dominant and imparted the sense of three storeys when viewed from the rear. However, their incongruity in terms of the wider streetscene need not be taken as a cue for further proposed developments. Moreover, in the case of the appeal scheme, its incongruous siting, plot ratio, fenestration and the visibility of the extensive flat-roofed elements on Hillside Gardens all add considerably to its uncomfortable relationship with the prevailing development pattern.
12. I acknowledge that the proposal would to some extent follow the building line of the garages next door. However, the siting of the garages varies from the building line of the adjacent dwellings on Sterling Avenue, and as small ancillary buildings they do not provide a strong context for the appeal scheme. I also consider that the removal of a derelict swimming pool at the appeal site could constitute an improvement to the character of the area; however, I am not persuaded that the proposed development is the best or only way to bring about this outcome. I have also considered the appellant's comment that residential development of the site could help to reduce anti-social behaviour and fly tipping in its surroundings. This may be the case, but it would not be a matter that weighed heavily in favour of the proposed development, when balanced against the significant and demonstrably harmful effects it would cause to the character and appearance of its surroundings.
13. My attention has been drawn to buildings in the wider district that the appellant considers to be incongruous in terms of their surroundings. The planning histories of these other buildings, their locations and surroundings are all material considerations that clearly differentiate them from the appeal scheme. Consequently they do not provide a context for the appeal proposal, and thus do not serve to justify the harmful effects it would have. In any event, each individual proposal has to be assessed on its own planning merits.
14. Whilst I acknowledge that third party objections to the scheme did not focus on the character and appearance of the proposed development, it would due to its siting, roof details, and the size and shape of its plots be a discordant element in the streetscene and thus cause considerable harm to the character and appearance of its surroundings. Consequently, the appeal scheme would conflict with Policy CS5 of *Barnet's Local Plan (Core Strategy)* (adopted September 2012); Policy DM01 of *Barnet's Local Plan (Development Management Policies)* (adopted September 2012); Policy 7.4 of *The London Plan: The Spatial Development Strategy for London-Consolidated with alterations since 2011*; and the National Planning Policy Framework. Amongst other matters, and taken together, these policies seek to ensure that new development respects the grain of existing streets, responds to local context and character and is sensitive to the appearance and pattern of surrounding buildings. For these reasons also the proposed development would conflict with *Barnet's Residential Design Guidance Supplementary Planning Document*, which seeks to ensure that the design and layout of new development respects the character of the area in which it is situated and responds to the positive features of that character.

15. Accordingly, I conclude that the proposed development would conflict with the relevant policies of the development plan insofar as they have been brought to my attention. No material considerations have been advanced that outweigh this conflict. Consequently, for the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

G J Fort

INSPECTOR