
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: 6th October 2016

Appeal Ref: APP/N5090/W/16/3152739

84 Mays Lane, Underhill, Barnet, EN5 2DZ

- 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 Sham Singh against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/05771/FUL, dated 3 February 2016, was refused by notice dated 30 March 2016.
 - The development proposed is the demolition of existing house and construction of a three storey detached building comprising of 4 self-contained flats with associated amenity space, refuse/recycling and cycle storage and provision of 5 off-street parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing house and construction of a three storey detached building comprising of 4 self-contained flats with associated amenity space, refuse/recycling and cycle storage and provision of 5 off-street parking spaces at 84 Mays Lane, Underhill, Barnet, EN5 2DZ in accordance with the terms of the application, Ref 15/05771/FUL, dated 3 February 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of development given above is the one provided in the Council's decision notice and the appellant's appeal form. This change in description has been agreed by both the Council and the appellant.

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 on the corner of Mays Lane and Fitzjohn Avenue, and currently contains a single dwelling. This part of Mays Lane is characterised by taller buildings, and the appeal site is in close proximity to 3 and 4 storey development on either side of Mays Lane. In contrast, the southern end of Fitzjohn Avenue comprises of 1 and 2 storey semi-detached properties.
 5. The development would replace the existing dwelling with a 3-storey block of apartments. This would be positioned closer to both Mays Lane and Fitzjohn
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Avenue than the existing property. In terms of the Mays Lane frontage, the development would be broadly consistent with the building line established by Elms Court. It would also be in keeping with the group of 3 and 4 storey buildings located to the south and west, both in terms of scale and design.

6. With regards to the impact on Fitzjohn Avenue, the development would be in advance of the established building line on the western side of the street. However, the building would relate more closely to Mays Lane than Fitzjohn Avenue and would appear as part of the group of taller buildings which surround it to the south and west. The steeply sloping ground to the north, and the presence of trees at the northern edge of the site would also serve to visually separate the development from the properties along Fitzjohn Avenue. The proposed eaves and ridge heights would also be consistent with No 160 Fitzjohn Avenue, which would also ensure a successful transition into Mays Lane. In addition, No 82 Mays Lane (on the opposite side of Fitzjohn Avenue) is even closer to the road, and it is in this context that the development would be viewed. The development would not be excessively dominant in this context.
7. I conclude that the development would not unacceptably harm the character and appearance of the area. It would therefore be in accordance with Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (2012), Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document (2012), the Residential Design Guidance Supplementary Planning Document (SPD) (2013) and the Sustainable Design and Construction SPD (2013).

Conditions

8. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition (1), I have imposed a condition that requires the development to accord with the approved plans (2). This is necessary for clarity and to ensure a satisfactory development. The submitted drawings do not specify the details of the materials to be used, including their colour. I have therefore imposed a condition that requires samples of all external facing materials to be submitted and approved (3). This condition is necessary to protect the character and appearance of the area.
9. I have also imposed a condition requiring details of the proposed levels to be submitted and approved (4). This is necessary to ensure that the development is carried out at suitable levels in relation to both the highway and adjoining land. A condition (5) requiring the submission of a Construction Method Statement is necessary in order to protect the living conditions of nearby occupiers during the construction process, and to ensure the safety and free flow of pedestrian and vehicular traffic. Conditions 4 and 5 will inform all aspects of the construction process and are therefore required to be discharged before any development takes place. Further conditions relating to refuse storage facilities and collection arrangements (6), and parking arrangements (10), are necessary to ensure that these facilities are available to meet the needs of the future occupiers.
10. Conditions relating to landscaping (8,9) are necessary to ensure a satisfactory appearance on this corner plot, and a condition relating to water use (11) is necessary to comply with Policy 5.15 of the London Plan. A condition (7)

relating to internal noise is necessary to ensure adequate living conditions for future occupiers, particularly as some bedrooms are to be located above or below living areas.

11. The Council also suggested conditions requiring the submission of a noise assessment, and details of any extraction and ventilation equipment to be installed. However, there is no evidence before me that these are necessary for a development of this size and type. The Council proposed a number of further conditions that would duplicate the requirements of the building regulations. These conditions are unnecessary as they relate to matters that are covered by other legislation.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; 1074/01 Rev A.
- 3) No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the levels of the building, roads and footpaths in relation to the adjoining land and highways, and any other changes proposed in the levels of the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) Prior to the first occupation of the development, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins, and a satisfactory point of collection, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation, and retained as such thereafter.
- 7) No development shall take place above slab level until a scheme of sound insulation to mitigate internally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority. The sound insulation shall ensure that the levels of noise generated as measured within the bedrooms of the development shall be no higher than 30dB(A) from 11pm to 7am. The submitted scheme shall include all calculations and baseline data. The approved scheme shall be

implemented in its entirety prior to the first occupation of the development and shall be retained as such thereafter.

- 8) No development shall take place above slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained, and set out measures for their protection throughout the course of development. It shall also include details of the boundary treatments to the development.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) No dwelling shall be occupied until the parking and access arrangements have been laid out in accordance with the application, and thereafter shall be kept available at all times for those purposes.
- 11) Prior to the first occupation, the development shall achieve a mains water consumption target of 105 litres or less per head per day. The development shall be maintained as such in perpetuity thereafter.