



Appeal Decision

Site visit made on 24 October 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 8th November 2016

Appeal Ref: APP/N5090/W/16/3156355

Land adjacent to 9 Crescent Road, Finchley Church End N3 1HR

- 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 Qamil Cama against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/1588/FUL, dated 22 March 2016, was refused by notice dated 18 May 2016.
 - The development proposed is flat with garage below and outdoor roof terrace amenity space above.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Both the Residential Design Guide Supplementary Planning Document (Design SPD) (2013) and the Sustainable Design and Construction Supplementary Planning Document (SDC SPD) (2013) have been superseded by updated versions of those documents which were adopted on 5 October 2016. However, the overall thrust of both documents is the same as their predecessors and the open space standards have not altered. The Design SPD has also been updated to reflect the national technical housing standards¹ a matter which I address in the second main issue.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of future occupiers of the proposal with specific reference to internal space; and
 - the effect of the proposal on the living conditions of future occupiers of the proposal with specific reference to external amenity space.

Reasons

Character and appearance

4. The appeal site is a small plot of land situated on the south side of Crescent Road. The site was occupied by a pair of derelict garages set back behind a sloping forecourt. The site is bound to the south west by a railway embankment (Northern Line) and on its other side by Dollis Court, a large two storey block of flats.

¹ Technical housing standards-nationally described space standard DCLG 2015

5. Crescent Road is a predominately residential area characterised by a variety of architectural styles including 3 storey traditional semi-detached properties with basements, detached properties and the two-storey Dollis Court set back from the road and sited around a central garden feature.
6. An application² for the erection of 2 garages was approved in 2012 which included basement parking. The Council consider that the basement parking in the appeal proposal is similar to that approved in 2012 and from everything which I have seen in submissions and on my site visit I have no reason to disagree.
7. The appeal site is a narrow plot which tapers towards the rear of the site and consequently views of the rear of the site would be limited. The footprint, building line and basement of the proposed dwelling would be similar to that of the approved garages although the building would have slightly greater depth. Both the approved garages and the appeal proposal would occupy the full width of the plot.
8. The design of the approved garages is very simple with garage doors and a front door and a shallow pitched corrugated steel roof. This design is appropriate for an ancillary building and the shallow pitched roof helps to reduce the overall mass of the garages. However, the proposal would have a steeper pitched roof which adds to the mass and bulk of the proposal.
9. Whilst I acknowledge that planning permission exists for the two garages, I consider that the shallow pitched roof reduces their mass and bulk. In contrast the appeal proposal would be more prominent in the street scene by virtue of the greater mass and bulk of the roof. Indeed the 'line of sight' sections in the appellant's submissions clearly indicate that a greater proportion of the roof plane of the proposal would be visible when viewed from across the street when compared to the roof of the garages.
10. Furthermore, the greater mass and bulk of the roof would exacerbate the cramped appearance of the dwelling within this restricted plot. The approved garages would, therefore, be less harmful to the character and appearance of the area than the appeal proposal. The planning permission for the garages does not, therefore, justify the harm which I have identified. Taking the above factors in combination, I consider that the proposed dwelling would be unduly prominent in the street scene and appear cramped in its plot and would, therefore, be an incongruous addition to the area.
11. I, therefore, conclude that the proposal would harm the character and appearance of the area. It would, therefore, be contrary to criterion B of Policy 3.5 of the London Plan (LP) (2016) which states that the design of all new housing developments should enhance the quality of local places. There would also be conflict with criteria B a and c of Policy 7.6 of the LP which states that buildings and structures should be of the highest architectural quality and comprise details and materials that complement, not necessarily replicate, the local architectural character.
12. Furthermore, conflict arises with Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (CS) Development Plan Document 2012 and the Design SPD which together seek to ensure that development in Barnet respects local context and distinctive local character. There is also conflict with criteria a, b and c of Policy DM01 of the Barnet's Local Plan Development Management Policies (DMP) which

² Planning application reference F/01806/12

seek to ensure high quality design which preserve or enhance local character and ensure an attractive street scene.

Living conditions-internal space

13. The Council consider that the proposal should provide 83m² of internal floor space. However, Minor Alterations to the London Plan were published on March 2016 in order to reflect the national technical standards and these have been incorporated into a consolidated version of the London Plan (2016). Table 3.3 of the London Plan together with the Housing Supplementary Planning Guidance (Housing SPG) have been updated accordingly. The Design Guide has also been updated to reflect the national technical standards.
14. Paragraph 2 of the Technical Standards explain that the standard Gross Internal Areas set out in Table 1 are organised by storey height to take account of the extra circulation space needed for stairs to upper floors. I note that whilst the actual living space would be on one floor, there are stairs leading down to the basement and space set aside for a future lift which would both detract from the available internal space. Consequently, I consider that it is appropriate to consider the proposal as a two storey dwelling. There appears to be a double bedroom and a single bedroom and consequently, the dwelling would be considered as a two storey, two bedroom, three person dwelling which would require an internal floor space of 70 m². The proposal would have a floor space of 67m², only 3m² short of the requirement. Due to the minimal shortfall against the requirement, I consider that the proposal would provide adequate internal floor space.
15. I, therefore, conclude that the proposal would not harm the living conditions of future occupiers in terms of the internal living space. The proposal would not, therefore, be contrary to criterion C Policy 3.5 of the LP. There is also no conflict with criterion B f of Policy 7.6 of the LP which states that buildings and structures should provide high quality indoor and outdoor spaces. Furthermore, no conflict arises with paragraphs 9.4 and 9.5 and Table 3.3, Appendix 2 of the Design SPD which sets out minimum residential space standards for new homes.

Living conditions-amenity space

16. Policy DM02 of the DMP and the Design SPD states that development will be expected to demonstrate compliance with the Sustainable Design and Construction SPD. There is no dispute between the parties that the proposal meets the outdoor amenity space requirement set out in Table 2.3 of the SDC SPD. Paragraph 2.3.1 makes clear that amenity space should be useable.
17. The Design SPD provides guidance on the design of open space and paragraph 8.2 states that sufficient, functional amenity space should be provided by all new houses and flats wherever possible. Paragraph 8.8 states that in designing high quality amenity space, consideration should be given to privacy, outlook, noise, sunlight, trees and planting, materials, lighting and boundary treatment.
18. The proposed terrace is situated in close proximity to the Northern railway line with a service running approximately every 15 minutes. I noted at the time of my site visit that the noise arising from the railway line was significant, particularly due to the rumbling of the train over the metal bridge in close proximity to the appeal site. Whilst there is strip of landscaping between the proposed terrace and the railway line, I consider that this would do nothing to reduce the noise arising from the trains particularly as the amenity space is situated at an elevated level which would reduce the effectiveness of the landscaping as a barrier.

Consequently, I consider that the proposed terrace would not be an attractive space for future occupiers to utilise.

19. Paragraph 8.6 states that all private outdoor space should also ensure a good external noise level in line with British Standards BS8233: 2014. This includes a recommended limit of 55dBA in these external spaces including; balconies, roof gardens, terraces and communal gardens. Paragraph 2.14 of the SDC SPD recognises that noise affects people enjoyment of outdoor amenity space. Paragraph 2.14.6 states that Barnet would expect good acoustic design with mitigation measures that ensure a good level of amenity both externally and internally.
20. Attention is drawn to examples of dwellings in Station Road, in between Regents Park Road and the North Circular Road as dwellings with amenity spaces close to railway lines. On the limited information before me many of those dwellings have gardens which are larger than the proposed terrace. In addition, the semi-detached dwellings have more internal space than the appeal proposal. Attention is also drawn to the amenity space to the rear of Dollis Court which the appellant contends is similar to that of the appeal proposal. However, I note the strip of amenity space identified is larger than the appeal proposal and indeed is part of a larger area of open space to the rear of Dollis Court. Furthermore, none of these cases have roof terraces as their only source of amenity space. These cases are not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.
21. The appellant also contends that the Inspector who considered a previous appeal proposal³ on the site did not identify the proximity of the railway line as a concern. However, paragraph 9 of the Decision clearly identifies the location as contributing to the unacceptability of the proposed garden.
22. There is no evidence before me to demonstrate that the terrace would experience noise levels in line within the recommended limit of 55dBA and I cannot, therefore, be certain that the proposal would not harm the living conditions of future occupiers by virtue of a poor quality amenity space.
23. I, therefore, conclude that the proposal would harm the living conditions of future occupiers and would, therefore, be contrary to criterion B of Policy 3.5 of the LP and criterion f of Policy 7.6 of the LP. The proposal would also be contrary to criteria g of Policy DM01 of the DMP which states that development proposals should retain outdoor amenity space having regard to its character. The proposal would also be contrary with the SDC SPD.

Other matters

24. Representations have been received regarding loss of light and privacy, however, previous Inspectors have found that the affect on the living conditions of neighbouring residents would be acceptable and I have no reason to come to a different view.

³ Appeal reference: APP/N5090/A/09/2100576

Conclusion

25. The proposal would have some benefit by way of a contribution, albeit limited, to housing land supply. However, I have concluded that the proposal would cause significant harm to the character and appearance of the area and the living conditions of future occupiers in terms of the poor quality of the amenity space. This harm would not be outweighed by my findings that the proposal would not harm the living conditions of future occupiers in terms of internal space or the contribution of the proposal to housing land supply. The proposal would, therefore, be contrary to the development plan as a whole.

Caroline Mulloy

Inspector