
Appeal Decision

Site visit made on 5 October 2016

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 16 November 2016

Appeal Ref: APP/N5090/W/16/3154868
96 Edgware Way, Edgware, Barnet HA8 8JS

- 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 Carl Irwin & Associates against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/0405/FUL, dated 10 January 2016, was refused by notice dated 5 April 2016.
 - The development proposed is the formation of first floor over existing ground floor to form 2 no. self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the living conditions of occupants of neighbouring residential properties at 94A and 96A Edgware Way, with particular reference to outlook and daylight; and,
 - whether or not the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of private external amenity space.

Reasons

Living conditions of occupants of 94A and 96A Edgware Way

3. The appeal site is at the end of a terraced row of three storey buildings which are occupied by commercial premises at ground floor level with residential flats above. The proposed development would create two new flats at first floor level above an extended structure of the existing ground floor projection to the rear of 96 Edgware Way.
 4. The existing flats at 94A and 96A Edgware Way are served by a number of windows and main doors on the rear, north facing elevation of the building. They are accessed via a stairwell leading to Mowbray Road on the western side of the building which would also be used to access the proposed flats.
 5. The proposed extension would sit immediately behind the existing flat at no.96A. It would have a width of approximately 9.2m, spanning the entire width of no.96A. The southern elevation of the extension would be in close
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proximity to the windows and main door on the northern elevation of no.96A. Whilst a crown roof design is intended to minimise any impact on residential amenity, I am not persuaded that it would be successful in this aim. With a maximum roof height of approximately 7.2m, the proposal would extend above the maximum height of the existing stairwell and far above the height of the first floor windows and door of no.96A. Despite a lower eaves height of approximately 4.7m, the structure would nonetheless block views from all first floor windows and the private balcony on the northern elevation of no.96A. As such it would appear as a harmfully large and oppressive structure when experienced from the existing property.

6. The proposal would also restrict the availability of natural daylight to the windows on the north elevation of no.96A such that even the room served by an obscure glazed window would feel darker due the presence of the extension at such close proximity. This would be compounded by the north facing aspect of these windows, which means that direct sunlight is already limited by the orientation of the building. Furthermore, the proposed structure would enclose the existing walkway along the rear of the terrace at first floor level, making it darker and with the potential for reducing perceptions of safety and security for all occupants of flats in the terrace.
7. I note the existence of timber boarding enclosing the balcony on the north elevation of no.96A which was in place at the time of my visit. I accept that this restricts the outlook currently available to the occupants of no.96A. However, a considerable part of the boarding is formed of a doorway which may be opened, allowing views directly toward the proposed development. I am also mindful of the permanent nature of the proposals and the need to ensure that the living conditions of any future occupants of no.96A, who may wish to remove the timber boarding, are safeguarded. In these circumstances, I do not consider that the current presence of the timber boarding is sufficient justification for the permanent loss of outlook and reduction in daylight to no.96A that would result from the proposals.
8. Whilst the effects on occupants of no.94A would undoubtedly be less pronounced than those for the adjoining flat at no.96A, I nonetheless have concerns in this regard. The roof of the proposed extension would include an approximately 1.2m wide flat section on the eastern side, with the roof pitch beyond that sloping away from no.94A as it rises. I am satisfied that the structure would not harmfully restrict the availability of natural light to the north elevation of no.94A. However, due to its considerable height, close proximity and depth of approximately 15.4m, the proposal would nonetheless reduce the outlook available from the windows and balcony of no.94A by blocking a significant proportion of views in a north westerly direction. I therefore consider that the proposals would also create an unacceptable sense of enclosure for the occupants of no.94A.
9. I therefore conclude that the proposed development would cause significant harm to the living conditions of occupants of neighbouring properties at 94A and 96A Edgware Way, with particular reference to outlook and daylight. It is therefore contrary to Policy DM01 of the Barnet Development Management Policies Development Plan Document (adopted September 2012), Policies CS1 and CS5 of the Barnet Core Strategy (adopted September 2012) and Policy 7.6 of the London Plan (March 2016), which together seek to ensure that new development does not harm the amenity of occupants of surrounding

residential properties. I also find conflict with the Barnet Supplementary Planning Document: Residential Design Guidance (April 2013) insofar as it seeks to prevent new development compromising the outlook and daylight available to neighbouring properties.

Living conditions of future occupants of the proposed flats

10. The proposed flats do not include any provision for external amenity space for future occupants. The supporting text to Policy DM02 of the Barnet Development Management Policies Development Plan Document states that residential units with insufficient outdoor amenity space are unlikely to provide good living conditions. The Council's Supplementary Planning Document (SPD): Sustainable Design and Construction Guidance (April 2013) advises that for flats, 5sqm of outdoor amenity space per habitable room should be provided, amounting to a total of 20sqm for the proposed flats.
11. The SPD notes that where it is not possible to provide such space, the Council will seek a planning obligation by way of mitigation. The appellants appear to state that this approach would be acceptable in principle, however no planning obligation has been provided. Whilst acknowledging the SPD's status as guidance, I afford it significant weight in my decision.
12. Moreover, paragraph 2.3.32 of the Mayor's Housing Supplementary Planning Guidance (March 2016) states that in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This would be in addition to the minimum internal floor space requirement.
13. I note that there is some disagreement between the parties as to whether or not flat 1 would meet the minimum essential gross internal area of 61sqm set out in the Council's SPD. Even on the basis of the appellant's figures, the level of internal space proposed within the two flats at approximately 61.1sqm and 63.3sqm respectively would be close to the minimum residential space standards advised for two bedroom, three person flats and would not include additional space to compensate for the private open space requirement. I therefore find that the absence of external amenity space would be compounded by the relatively low level of internal space provided, resulting in the flats feeling cramped and claustrophobic for future occupants.
14. I saw that Edgwarebury Park is within walking distance of the appeal site and is a large, high quality green space which would be of benefit to future occupants of the flats in terms of recreation and leisure. I note, however, representations from neighbouring residents indicating that the existing flats in the block each have a small amount of external amenity space in the form of first floor balconies. I saw on my visit that these balconies appear to be well used by the residents as children's play areas and for purposes such as drying washing. This would indicate that it is both possible and highly desirable to provide some external amenity space for residential units in this location. In this context, I am not satisfied that proximity to the public park would compensate for the absence of private external space required for everyday domestic functions.
15. Furthermore, the existence of other flatted developments in the area providing no outdoor amenity space is not sufficient justification for the proposal before

me, which must be assessed within the current policy and guidance context and in the particular circumstances of the site.

16. Taking all of these considerations together, I conclude that the proposed development would not provide acceptable living conditions for future occupants with regard to the provision of private external amenity space. Consequently, I find conflict with Policies DM01 and DM02 of the Development Management Policies Development Plan Document, Policy CS5 of the Barnet Core Strategy, and the guidance contained within the Sustainable Design and Construction Guidance Supplementary Planning Document, all of which seek to ensure that new development provides acceptable living conditions for future occupants.

Conclusions

17. The proposed development would contribute two new flats to the local housing stock at a time of significant housing need, bringing social benefits. However, I do not consider that these benefits would outweigh the harms that I have identified in respect of the main issues.
18. For the reasons given above I conclude that the appeal should be dismissed.

J F Powis

INSPECTOR