The Planning Inspectorate

Appeal Decision

Site visit made on 9 November 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 12th December 2016

Appeal Ref: APP/N5090/W/16/3156634
14 Sunset View, Barnet, EN5 4LB

- 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 & Mrs Sonenfeld against the decision of the Council of the London Borough of Barnet.
- The application Ref 16/1570/FUL, dated 10 March 2016, was refused by notice dated 5 May 2016.
- The development proposed is described as: 'Demolition of single family dwelling house. Construction of new single family dwelling house'.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
   (a) Whether the development would preserve or enhance the character or appearance of the Monken Hadley Conservation Area;
   (b) The effect of the development on the living conditions of the occupiers of Nos 12 and 16 Sunset View, with regard to loss of outlook and light, and loss of privacy, and;
   (c) The effect of the development on protected trees within, and adjacent to, the appeal site.

Reasons

Conservation area

3. The appeal site is located within the Monken Hadley Conservation Area. This comprises the settlement around the church of St Mary the Virgin, Hadley Green, Monken Hadley Common, Hadley Highstone, and part of Chipping Barnet High Street. The special character of the conservation area stems mostly from C18 and C19 century developments, and it contains a significant number of grand detached properties. The conservation area today retains a leafy character and a low suburban density.

4. The appeal property is located on Sunset View, which is a cul de sac that backs onto open Green Belt land. It comprises spacious detached properties that have individual design and detailing. These properties are of a similar style, and they form an attractive and harmonious street within the conservation

area. The properties on Sunset View appear to be of early C20 design and are later than much of the conservation area in this regard. However, the low density, leafy suburban character of Sunset View contributes positively to the wider conservation area.

5. The appeal site is currently occupied by an attractive brick-built house that is in keeping with the style, proportions and materials of other properties in the street. It has a decorative door surround and other brickwork detailing, and a characterful roof profile. Whilst the building is not listed, it makes a positive contribution to the character and appearance of the conservation area.

6. The proposed replacement dwelling would be substantially larger than the existing property. This difference would be most apparent at first floor level as the new dwelling would be two storeys in height across its width. Whilst the existing house has a comparable width, this is due to two single storey side extensions that are subordinate to the main house. In contrast, the proposed dwelling would be a single built mass, with no subordinate elements. This would create a dwelling of significantly greater bulk than the existing property that would appear excessively large in the local context. The proposed porch and roof form would also be uncharacteristic of the properties along the street. Overall, the proposal would be of inferior design quality to the existing building, and would be out of keeping with the character and proportions of other properties in the street.

7. Whilst the ridge height of the proposed dwelling would be slightly lower than that of the existing property, this would not significantly mitigate the concerns I have identified above. The slight reduction in height would be accompanied by an increased ridge length and the bulk of the roof form would therefore be much greater. Separately, whilst there is some variation in design and detailing along Sunset View, that does not in itself justify the introduction of a development of this nature.

8. The appellant points out that the conservation area appraisal does not mention Sunset View and appears to omit it from the identified character areas. In this regard, I note that the plan of the conservation area on page 18 of the appraisal appears to exclude Sunset View from the conservation area altogether. However, it is not disputed that the appeal site is within the conservation area, and the separate area plan provided by the Council indicates that this is indeed the case. It therefore seems likely that Sunset View was included in the conservation area after the appraisal was published in 2007. In any event, I am satisfied from my site visit that Sunset View contributes positively to the character and appearance of the conservation area.

9. I conclude that the appeal proposal would fail to preserve the character and appearance of the conservation area. Whilst this harm would be less than substantial in the context of paragraphs 133 and 134 of the National Planning Policy Framework ('the Framework'), there are no public benefits that would outweigh this harm.

10. The development would therefore be contrary to the relevant sections of Policies CS NPPF, CS1 and CS5 of the Barnet Local Plan Core Strategy (2012), Policies DM01 and DM06 of the Barnet Local Plan Development Management Policies DPD (2012), and guidance contained in the Residential Design Guidance Supplementary Planning Document (2013). It would also be at odds with guidance in the Framework relating to designated heritage assets.

Living conditions of Nos 12 and 16 Sunset View

11. At present, the parts of the dwelling closest to the boundaries with Nos 12 and 16 are single storey in height. This limits the impact of the existing dwelling on the side windows in these properties. Whilst the proposed dwelling would be set in slightly further from the boundaries, it would be 2 storeys in height across its width.

12. The side windows to No 12 that face the appeal site are generally small secondary windows. Each of the ground floor windows in this elevation is obscurely glazed, as is one of the two first floor windows. These windows therefore already have a very limited outlook. The remaining first floor window is small and appears to serve a room that also benefits from a larger main window. In these circumstances, the impact of the development on No 12 would not be unacceptably harmful.

13. There is a single large ground floor window in the side elevation of No 16 that would face the proposed dwelling. At present, this window is in close proximity to the gable wall of the existing single storey part of the current house. The proposed dwelling would be set further back from this window, and the catslide design of the roof would ensure that the height of the wall facing this window would not be significantly taller than at present. Accordingly, the effect on this window, over and above that of the existing dwelling, would be minimal.

14. With regards to overlooking, the rear of the proposed property would contain significant areas of glazing at both ground and first floor level. However, any views across the rear of adjacent gardens would be oblique and interrupted by boundary planting. The eastern wing of the proposed dwelling would contain a large glazed expanse at first floor level that would be relatively close to the boundary with No 16. However, views from this window would be partly screened by an existing tree on the boundary. The loss of privacy to the adjacent properties would therefore not be unduly harmful in my view.

15. Separately, the distance between the rear of the proposed dwelling and properties fronting Hadley Grove would be significant and there would be no unacceptable overlooking or loss of privacy to those properties. In addition, the distance between the proposed dwelling and the properties on the opposite side of Sunset View would ensure that there would be no unacceptable loss of outlook or natural light to occupiers of those dwellings.

16. I conclude that the development would not unacceptably harm the living conditions of the occupiers of Nos 12 and 16 Sunset View, with regard to loss of outlook and light, and loss of privacy. It would therefore be in accordance with the relevant sections of Policies CS NPPF, CS1 and CS5 of the Barnet Local Plan Core Strategy (2012), and Policy DM01 of the Barnet Local Plan Development Management Policies DPD (2012).

Protected trees

17. There are a number of protected trees located within the appeal site and in the rear gardens of adjoining properties. These include a significant number of trees located close to the rear of the proposed dwelling, including in adjacent gardens. There is also a protected plum tree located at the front of the property that is an attractive feature within the street, and contributes to its leafy character. No arboricultural report was provided at the planning

application stage, and the Council subsequently included the lack of sufficient information in this regard as a reason for refusal. Subsequently, the appellant provided a Phase 2 Arboriculture Impact Assessment with the appeal documentation.

18. The Arboriculture Impact Assessment provides a detailed assessment of the existing trees, and contains a number of recommendations for their protection during the construction process. It concludes that the development would not necessitate the removal of any trees, although pruning works would be required to the frontage plum tree. The required pruning would involve tipping back a small section of the crown, although this would not affect the crown form as viewed from the street. The Council have not disputed the findings of the Arboriculture Impact Assessment, and acknowledge that the impact of the development could be mitigated through condition. However, the Council maintain that there is potential for the works at the site to impact on the health of the trees. I note that no detail has been provided to substantiate this point, nor have any specific concerns been raised about any tree on the site. In these circumstances, and having regard the recommendations of the Arboriculture Impact Assessment, I see no reason to doubt that the existing trees could be adequately protected during the construction process, and thereafter be retained.

19. I conclude that the development would not unacceptably harm protected trees within, and adjacent to, the appeal site. It would therefore be in accordance with the relevant sections of Policies CS NPPF, CS1 and CS5 of the Barnet Local Plan Core Strategy (2012), Policy DM01 of the Barnet Local Plan Development Management Policies DPD (2012).

Other Matters

20. There is some dispute over whether the pre-application advice provided by the Council is consistent with the subsequent reasons for refusal. However, the full details of the current proposal were not available at the pre-application stage, and in any event, pre-application advice is not binding on the Council in determining later applications. I therefore attach no weight to this matter.

21. There is no evidence before me that the development would lead to drainage problems, and the Council have not raised any concerns in this regard. I see no reason to take a different view in this case.

22. Any effects from the construction period would be short-term and could be mitigated by careful construction management, which could be conditioned.

Conclusion

23. For the reasons set out above, I conclude that the development would fail to preserve the character and appearance of the Monken Hadley Conservation Area. Whilst there would be no unacceptable harm to the living conditions of Nos 12 and 16 Sunset View, or to the protected trees in the vicinity, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR