

Appeal Decision

Site visit made on 8 December 2016

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 14 December 2016

Appeal Ref: APP/N5090/W/16/3159344

38 Needham Terrace, Cricklewood, London NW2 6QL

- 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 Stephen Hartnoll against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/05673/FUL, dated 9 September 2015, was refused by notice dated 23 March 2016.
 - The development proposed is the demolition of an existing double garage and the erection of a new detached double storey two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal upon the living conditions of the occupiers of No 39 Needham Terrace in respect of outlook and (ii) whether or not it is necessary to prohibit on-street car parking in the locality.

Reasons

Site and proposal

3. The appeal site comprises a flat roofed double garage set back from the main road. The area is predominantly residential in character and the appeal site falls within the Cricklewood Railway Terraces Conservation Area (CA). The garage belongs to No 38 Needham Terrace and is positioned between the said end of terrace dwelling and No 39 Needham Terrace which is a detached dwelling.
4. It is proposed to demolish the garage and to erect a two storey two bedroom dwelling. The two storey element of the proposed dwelling would be in line with the front elevation of No 38 Needham Terrace. There would be single storey development fronting Needham Terrace including an open paved area. The proposed dwelling would be similar in height to the adjacent No 39 Needham Terrace.

Living Conditions

5. Whilst I note that there does appear to be some dispute about whether or not the occupier of No 39 Needham Terrace objected to the proposal at planning application stage, I have in any event taken into account all representations
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made by the occupier of this property including the comments made as a result of the appeal notification process.

6. The proposed two storey dwelling would be built beyond the rear elevation of No 39 Needham Terrace and would abut the common boundary with the rear garden area of this property. I acknowledge that the double garage already abuts this boundary, but this has a flat roof and is single storey in height. The proposed dwelling would be considerably higher than the existing double garage and would appear as a very dominant and overbearing mass of development for users of this garden. The appeal garage already has an impact upon the enjoyment of the rear garden of No 39 Needham Terrace. I do not consider that this existing impact justifies allowing more harmful development.
7. I accept that the affected garden is relatively small and that there is a larger garden to the west of No 39 Needham Terrace. However, I do not consider that the size or number of gardens should reasonably have a bearing upon whether development is acceptable or not. The appellant states that the affected garden is used mainly for storage purposes. However, I was able to see, as part of my site visit, that this garden area was not being used solely for storage, but rather it was being used as a plant/herb bed and the siting of a shed.
8. For the reasons outlined above, I conclude that the proposal would not accord with the sustainability, design and amenity aims of Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012; Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMDPD); Policy 7.6 of the London Plan 2016 and the Barnet Residential Design Guidance Supplementary Planning Document 2013 (SPD). I note the appellant's comments about some of the above policies (for example Policy CS1) not specifically referring to amenity and that some refer only to the need for good design. I consider that all of the above policies are relevant as the need for good design encompasses the need for acceptable amenity impacts. Paragraph 001(Design) of the Planning Practise Guidance states that "*achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations*".

Car Parking

9. The appellant has submitted a planning obligation as part of the appeal: the appeal site falls within an all-day controlled parking zone. The planning obligation intends to prohibit the ability of the occupiers of the appeal property from applying for a car parking permit(s) within the all-day controlled parking zone.
10. As part of my site visit, I was able to see that there was limited opportunity to park a vehicle in the locality. Policy DM17 of the DMDPD states that "*with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits*".
11. Whilst the appellant has indicated that the rear garden/outside amenity space could be used for the parking of a vehicle, in this instance I do not consider

that such parking would be acceptable. This is because the amount of outside amenity space is deficient when considered against the 40 square metre requirement in the SPD. Had the appeal been allowed, it would have been necessary to have imposed a planning condition which ensured that this space was solely used for outside amenity space purposes.

12. In the absence of any on-site permitted car parking provision, and given the on-street car parking pressures and limitations within the immediate locality, a completed planning obligation would be necessary having regard to Policy DM17 of the DMDPD. As the appeal is being dismissed for other reasons, it has not been necessary for me to consider the appellant's submitted planning obligation in detail (or to ensure that it is dated and signed). An acceptable planning obligation would not overcome the significant harm that would be caused to the living conditions of existing and future occupiers of No 39 Needham Terrace.

Other Matters

13. I note the evolution of the scheme including amendments to the design of the proposed dwelling. I have no reason to disagree with the Council that this infill proposal would preserve the character and appearance of the CA. The dwelling would suitably reflect the scale and appearance of other dwellings in this part of the CA.
14. The occupier of No 39 Needham Terrace has drawn my attention to the position of a rear ground floor window to his property. I was able to see this as part of my site visit and the window served a kitchen/diner. I consider that the scale and proximity of the proposed development when viewed from this window would be such that it would have a significant enclosing impact. Furthermore, and notwithstanding the Council's reason for refusal, I consider that the position and height of the dwelling would be such that there would be some loss of sunlight / overshadowing to this window (as well as part of the rear garden), particular in the early mornings. This adds to the harm that I have identified in respect of my conclusions on the main issues.
15. I have taken into account the representations made by other interested parties. I do not disagree with how the Council responded to these representations in the planning officer report. None of the other matters raised outweigh my conclusions on the main issues.

Conclusion

16. For the reasons outlined above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR