
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: 15 December 2016

Appeal Ref: APP/N5090/W/16/3160387

Flat 2, 65 Wood Street, Chipping, Barnet EN5 4BT

- 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 Richard Williams against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/2173/FUL, dated 31 March 2016, was refused by notice dated 14 September 2016.
 - The development proposed is to provide a tiled roof finish and a raised parapet wall to provide an extension to the ladder escape route to the ground floor roof level, to provide an external amenity space and with access to the roof terrace to be provided by a new period style door and fanlight.
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Decision

1. The appeal is allowed and planning permission is granted to provide a tiled roof finish and a raised parapet wall to provide an extension to the ladder escape route to the ground floor roof level, to provide an external amenity space and with access to the roof terrace to be provided by a new period style door and fanlight at Flat 2, 65 Wood Street, Chipping, Barnet EN5 4BT in accordance with the terms of application Ref 16/2173/FUL, dated 31 March 2016, subject to the attached schedule of conditions.

Procedural Matter

2. Whilst the appellant did agree to the Council's description of development which appears on the refusal notice, I note that he did raise some concerns about whether it was ambiguous. I have used the description of development from the appellant's planning application form as this provides a more accurate description of the proposals. However, and for the avoidance of doubt, the proposal also includes an additional "expandable ladder" which would be positioned on the east elevation of the existing two storey rear projection, and a 2.0 metres high side wall to the proposed roof terrace on the boundary facing No 63 Wood Street.

Main Issues

3. The main issues are (i) whether or not the proposal would preserve or enhance the character or appearance of the Wood Street Conservation Area and (ii) the effect of the proposal upon the living conditions of the occupiers of the ground floor and second floor flats in respect of noise, disturbance and outlook.
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Reasons

Site and Proposal

4. The appeal site comprises a semi-detached building which includes three flats. The area is predominantly residential in character and appearance and the appeal building falls within the Wood Street Conservation Area (CA). It is one of a number of very large and imposing buildings which are set well back from Wood Street. Most of the properties have relatively flat and brick fronted facades and include timber sash windows. There is a real sense of open space to the front of the properties on Wood Street (this continues in respect of the park opposite) and the mature trees and other vegetation add positively to the verdant character of the area. The rear facades of the properties on Wood Street are less formal and include a number of two storey and single storey projections which are mainly rendered.
5. It is proposed to use the roof of the existing single storey rear addition to the building as a roof terrace. It would be used by the occupiers of the first floor flat (No 2), and access would be from an existing bedroom via a new external door with a fanlight. A new parapet wall (approximately 1.5 metres in height) would be erected facing the rear garden area of the appeal building, and a side wall facing No 63 Wood Street would be erected at a height of about 2.0 metres. The walls would be rendered and finished in a colour to match the existing walls below. In addition, it is proposed to install a collapsible escape route ladder on the side elevation of the existing two storey rear projection.

Conservation Area

6. Taking into account the mixture of sizes and designs of the existing rear projections to the host property, I do not consider that the proposed parapet and side walls would significantly alter the appearance of the host property or the semi-detached buildings. This development would be smaller in scale than the two storey outrigger, and given its position and the existence of mature landscaping in the locality, it would not be conspicuous from any public vantage points. I consider that the development would be subordinate in scale to the host property and that the proposed materials (ie render to match the existing) would ensure that this part of the development blended in with the rest of the rear of the property. Furthermore, I am satisfied that the proposed entrance doorway (with a fanlight) would sensitively reflect the proportions and detailing of other existing openings within the rear elevation.
7. The proposed parapet and side walls would have the effect of partly screening the existing escape ladder and to some extent this would be advantageous in visual terms. Whilst this positive attribute would to some extent be cancelled out by a further escape route ladder which is proposed on the side elevation of the two storey outrigger, subject to this ladder being collapsible/retractable (as per the manufacturing details submitted by the appellant) and provided in a colour which matched the rendered wall, I do not consider that harm would be caused to the character and appearance of the host dwelling or the wider area. A planning condition could be imposed which ensured that the ladder was always collapsed unless used for emergency reasons.
8. I have taken into account the Council's comments that the proposed development would mean that there was a movement away from the design symmetry between the rear of No 63 and No 65 Wood Street. However, I do

not consider that it is imperative for these two properties to have an identical rear appearance and, in any event, there isn't really any rear elevation design symmetry between the pair of semi-detached buildings. I have considered the effect of the proposal upon the rear bay window, but again I do not consider that harm would be caused to it.

9. For the reasons outlined above, I conclude that the proposal would have a neutral effect upon the host dwelling in respect of its scale, proportions and design and that it would preserve the character and appearance of the CA. Therefore, the proposal would accord with the design and conservation aims of Policies CS NPPF and CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS); Policies DM01, DM02 and DM06 of the Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMPD); the Barnet Residential Design Guide Supplementary Planning Document 2013 (Residential Design Guide) and the Wood Street Conservation Area Character Appraisal Statement 2007.

Living Conditions

10. The proposed side wall facing No 63 Wood Street would be at a height which ensured that there was no overlooking of any neighbouring properties. The front parapet wall would be about 1.5 metres from the floor of the roof terrace. I acknowledge that this would only have the effect of screening users of the roof terrace when sat down. However, I consider that it is reasonable to conclude that it is unlikely that the occupiers of Flat No 2 would stand on the roof terrace for long periods of time. In any event, the garden to the rear of the host building is already overlooked from a number of windows. Taking this into account, as well as the size of the roof terrace, I do not consider that there would be any significant overlooking.
11. I acknowledge that parapet and side walls would increase the overall height of the existing single storey projection. However, I do not consider that the scale of the development would cause unacceptable harm to the outlook enjoyed by users of the rear garden, or when residents enter or leave the doorway of the ground floor bay window. The rear garden is quite large and its users would continue to have access to a relatively open and pleasant space.
12. I do not doubt that use of the roof terrace would have the effect of creating some additional outside noise to the rear of the appeal property. However, the space is relatively small and would likely be used by a limited number of people. Hence, I consider that it is reasonable to conclude that any noise or activity would be insignificant. On balance, I do not consider that there would be material harm caused to the occupiers of surrounding residential units in respect of noise and disturbance. I reach this conclusion in the knowledge that the occupiers of flat No 1 and flat No 3 did not raise any objections to the proposal on these grounds, and taking into account the fact that the room beneath the terrace is non-habitable (ie a bathroom).
13. For the above reasons, I conclude that material harm would not be caused to the living conditions of the occupiers of the ground floor and second floor flats in respect of noise, disturbance and outlook. Therefore, the proposal would accord with the amenity aims of Policies 3.5 and 7.6 of the London Plan 2016; Policy CS5 of the CS and Policies DM01 and DM04 of the DMPD.

Other Matters

14. I afford some weight to the appellant's comment that this proposal would provide some outside amenity space for the occupiers of Flat No 2. The rear garden of No 65 Wood Street is currently used only by the occupiers of the ground floor flat. Whilst a new flat is not proposed, I do note that paragraph 8.12 of the Residential Design Guide states that *"in circumstances where it is not possible or appropriate to provide private gardens and communal amenity space alternative arrangement should normally be made. Balconies and roof gardens will normally be acceptable alternatives where they do not result in overlooking which has a negative impact on the privacy of neighbouring residents or other occupiers within the development"*. I have concluded that a roof terrace could be formed without unacceptable harm being caused to the living conditions of the occupiers of surrounding residential units. Therefore, the provision of outside amenity space for the occupiers of Flat No 2 is a positive material planning consideration which also weighs in favour of allowing the proposal.

Conditions

15. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
16. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
17. In the interests of the privacy of the occupiers of the neighbouring property, a planning condition is necessary which requires the erection of the parapet wall prior to the first use of the terrace (and its retention). In the interests of the character and appearance of the area, it is necessary to impose both a materials condition and a condition relating to the colour and use of the collapsible fire escape ladder. The latter condition has been agreed by the main parties.

Conclusion

18. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans: Drawing No 882/1-Rear Elevations and Site Plan; Drawing No 882/2-Floor Plans; Drawing Titled "Side Elevation of Proposed Enclosed Balcony"; Design and Access Statement produced by Roy Leonard Associates (Dated 31 March 2016) and the Modum Fire Escape Brochure.
- 3) The materials to be used in the external surfaces of the building shall match those used in the existing building.
- 4) The proposed parapet wall shall be constructed in accordance with the approved plans before the outdoor terrace amenity area is brought into use and shall be retained as such thereafter.
- 5) Only a collapsible fire escape ladder shall be installed, in a position as shown on the approved plans, which shall be in accordance with the specification detailed in the Modum Fire Escape Brochure. The ladder shall remain in its collapsed position at all times, unless used for emergency escape purposes. The ladder shall be painted/finished in a colour to match the colour of the render on the wall to which it is to be attached and shall thereafter remain in a colour to match the colour of the render on such a wall.