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## Appeal Decision

Site visit made on 20 December 2016

**by David Murray BA (Hons) DMS MRTPI**

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

**Decision date: 11<sup>th</sup> January 2017**

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**Appeal Ref: APP/N5090/W/16/3159719**

**117 Park Road, New Barnet, Barnet, EN4 9QN.**

- 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 Mrs A Vanderkar against the decision of the Council of the London Borough of Barnet.
  - The application Ref. 16/3778/FUL, dated 8 June 2016, was refused by notice dated 18 August 2016.
  - The development proposed is the demolition of the existing side extension and erection of a two storey dwellinghouse with associated hard and soft landscaping and provision of two parking spaces and refuse store and cycle store.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the development proposed on the character and appearance of the area in terms of the visual and physical impact of the new dwelling and the loss of a tree of special amenity value.

### Reasons

3. The appeal site comprises part of the garden of a detached single storey dwelling which lies on the corner of Park Road and Pilgrims Rise in a mainly residential area. There is a Scots Pine tree within the site which is protected by a Tree Preservation Order (TPO).
4. It is proposed to demolish the existing garage and store and part of an office to the rear of the existing dwelling and establish a separate curtilage on which to construct a separate dwelling. Further, due to changes in the level of the land it is proposed to site the proposed two storey dwelling on the same level ground level as the neighbouring two storey property of No.119 Park Road.

### *Policy context*

5. The development plan includes the Council's Local Plan (Core Strategy) 2012 and Local Plan (Development Management Policies DPD) (Sept 2012) together with related Supplementary Planning Document - Residential Design Guide (SPD) (2013). The formal reasons for refusal refer to policy CS7 of the Core Strategy and policy DM06 of the DPD but these do not appear to me to be clearly related to the circumstances of the proposal as the site is not in a Conservation Area or involves an open space.
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*Effect on character and appearance*

6. The appeal site is unusual in that the existing property is single storey whereas the majority of other properties along the eastern side of Park Road are of two storey in height although the property on the opposite side of Pilgrims Rise reflects the appeal site bungalow. The front elevation of the proposed house indicates that the roof height of the new house would be lower than the roof of the adjacent property No.119 because of the degree of 'cut' from the appeal site to about the same floor level as that neighbouring property. Therefore in terms of the vertical height of the proposed house I do not see that this would be materially out of place in the frontage and street scene.
7. There is also a variation in the architecture of the properties in the frontage with both sloping roofs and gables facing the street and which make up the street scene. However, these mainly detached properties have a reasonable separation distance to produce the overall relatively spacious character. The proposal involves a 1.5m separation distance to the side wall of the existing bungalow and to the boundary with No. 119. In my view, this would be an inadequate gap and would result in the proposed house having a cramped appearance with mainly two storey structures being sited close together and extending across most of the width of the site.
8. The appellant's agent refers to the similar width of No. 119a and its closeness to the boundaries of the site as demonstrating that the proposed house would be visually acceptable in its surroundings. However, it appeared to me at the site visit that there is a separate access way to the south of this property which increases the visual separation to the adjoining property to the south. I therefore do not consider that the circumstances are the same.
9. Overall, I agree with the Council's submission that the proposed new house would appear cramped in its context and would be harmful to the character and appearance of the local street scene.
10. As a separate matter it is clear that the degree of earthworks involved in reducing the ground level of the appeal site would result in the loss of a pine tree. This tree is the subject of a TPO. The appellant's agent submits that the tree is of low amenity value as it is lopsided and has lost all of the character it may have possessed. However, in the absence of any expert arboricultural assessment of the tree it appeared to me that the mature tree is a reasonable example of the species. Although it has a slight lean and some of the lower branches appear to have been removed, to my mind the tree makes a positive contribution to the amenity of the area and the appearance of the street scene.
11. I conclude on this issue that the proposed dwelling would be harmful to the character and appearance of the street scene as it would appear cramped in its surroundings and would result in the loss of mature tree with a recognised amenity value. As such the proposal does not accord with the requirements of policy DM01 of the Development Management DPD and policy CS5 of the Barnet Core Strategy which seek to preserve and enhance the local character of an area. These policies are broadly consistent with the NPPF which has a core principle of encouraging high quality design in new development and a good standard of amenity.

*Other matters*

12. A neighbour also expresses concerns about the effect of an additional dwelling on highway safety and the movement of traffic on Park Road but at my site visit I concluded that there would be good visibility for the additional access point and there is no detailed evidence before me to demonstrate that the effect on traffic movement would be severe or that highway safety would be harmed.

**Conclusion**

13. Overall I conclude that there are no other material considerations which outweigh the conflict with the development plan that I have identified and the local harm that the proposal would cause.

14. For the reasons given above I conclude that the appeal should be dismissed.

*David Murray*

INSPECTOR