
Appeal Decision

Site visit made on 4 January 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 30 January 2017

Appeal Ref: APP/N5090/W/16/3159982

The Cedars, Mill Ridge, Edgware HA8 7PE

- 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 R Lomas (Excellare Ltd) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/1750/FUL, dated 17 March 2016, was refused by notice dated 9 August 2016.
 - The development proposed is described as the demolition of the existing house and the erection of a 3 storey building with accommodation within the roof space comprising 8 x 2-bed flats together with associated parking for 8 cars and cycle storage with vehicular access from Mill Ridge and pedestrian access from Stonegrove.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council changed the description of the development to 'demolition of the existing house and the erection of a three storey building with accommodation within the roof space comprising 7 x 2-bed flats together with associated amenity space, refuse stores, off-street parking for 7 cars and cycle storage with vehicular access from Mill Ridge and pedestrian access from Stonegrove'. I note that the appellant has used this amended description in the Appeal Form. I have therefore determined this appeal on the basis of that amendment.
 3. The appellant's statement contains a plan showing a suggested revision to the layout of Units 1 and 4. This shows a proposed reduction in the internal floor space of these units to enable the formation of a small garden (approximately 3.3m x 6.8m) along their north western flank in order to provide a landscape buffer to the proposed parking area. This suggested revision would result in a modification to the external appearance of this part of the proposed building although no drawings have been submitted to show this nor do I have any evidence of the effect of this revision on internal space standards.
 4. The suggested revision was not considered by the Council during the determination of the application nor has it been subject to any public consultation. In my view, this revision, which would modify the external appearance of the proposed building and the internal floorspace, constitutes a material amendment which did not form part of the planning application. Consequently, I have determined this appeal solely on the basis of the plans
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that were submitted with the application and which were considered by the Council.

Main Issues

5. The main issues are:

- The effect of the proposed development on the character and appearance of the surrounding area.
- Whether the proposed development would provide satisfactory living conditions for the future occupiers of Unit 1 and Unit 4 with particular regard to outlook.

Reasons

Character and appearance

6. The appeal site comprises a corner plot located at the south-east side of the junction of Mill Ridge with Stonegrove and is currently occupied by a substantial, detached, two storey dwelling, The Cedars. Mill Ridge is a residential cul-de-sac comprising of detached and semi-detached dwellings. Stonegrove is part of the A5 and predominantly contains substantial flatted developments. Although there is no cohesive character to Stonegrove, buildings in the vicinity are predominantly set well back from the road thereby providing this area with a spacious character.
7. The proposed development would involve the demolition of the existing dwelling and the construction of a two storey 'L' shaped block with accommodation within the roof space to provide seven flats and the formation of seven off-street car parking spaces. The design of the proposed development has been revised following an application for a building comprising of nine flats which was refused planning permission and subsequently dismissed on appeal (Ref: APP/N5090/W/15/3140486).
8. The proposed development has been reduced in height from that previously considered by my colleague Inspector by between approximately 3.3m and 4.6m. In addition, it has been set further back from Stonegrove such that the distance from the back of the pavement to the building is between approximately 4.6m and 5.5m.
9. In order to help consider the effect of new development on the character and appearance of an area the adopted *Supplementary Planning Document – Residential Design Guidance* (SPD) identifies that the pattern of development in an area plays a vital role in defining the character of the street and influencing the perception of spaciousness. The SPD also identifies that the setback of dwellings from a street is a key consideration which also defines the character of the street. Although I accept that there is no strongly defined building line on Stonegrove, there is a commonality in the pattern of flatted development which is set well back from the edge of the road.
10. I consider that the design and height of the proposed building itself would be appropriate for its setting and would provide a transition between the two storey dwellings on Mill Ridge and the five storey block at Peters Lodge, located adjacent to the south-east boundary of the appeal site. However, as a consequence of its design and the size of its footprint relative to the plot size,

the proposed building would be positioned closer to the road than other flatted blocks in the immediate locality.

11. Notwithstanding the revisions made since the previous appeal, the position of the proposed elevation fronting Stonegrove would project forward of the front elevation of Peters Lodge and be positioned closer to the road. As such, in views along the road from the town centre the proposed building would be seen as projecting in front of Peters Lodge which would introduce a degree of prominence that would markedly contrast with, and erode, the spacious character of this part of Stonegrove and the junction with Mill Ridge.
12. The proximity of the proposed building to the road would result in a relationship that would appear at odds with the pattern of development, and in particular the majority of the blocks of flats, in the locality. The revised position of the building would enable the provision of a small area of landscaping to the Stonegrove frontage. Whilst to some degree this would assist in softening the impact of the building in the street scene, the narrowness of the landscape area would contrast markedly with the more spacious extent of landscaped areas to the front of Peters Lodge and the blocks comprising Cannons Court directly opposite the site.
13. In my view, the proximity of the proposed building to the edge of the road and the narrowness of the landscaping area would result in a form of development that would appear significantly different to the flatted blocks in the vicinity of the appeal site. As such, it would cause demonstrable harm to the character and appearance of this part of the Stonegrove street scene.
14. In arriving at this view I have taken into account the position of the four storey development at Castleham Court, located to the south east of the site, and its relationship to Stonegrove. The frontage of this development is positioned a similar distance to the rear of the footway as would be the case in the appeal proposal. However, the footway in the vicinity of Castleham Court is significantly wider than that in the vicinity of the appeal site. As such, although the building is close to the rear of the footway, the distance to the road is similar to that of Peters Lodge and consequently the perception of spaciousness is maintained.
15. The proposed two storey off shoot would be located close to the boundary with the adjacent property on Mill Ridge (Ridge House) and have a ridge and eaves height approximately 0.9m higher than those of that property. The existing rear elevation of The Cedars is positioned on the property boundary with Mill Ridge. The position of the proposed building would provide a small gap to the property boundary and the proposed north western elevation would occupy a similar position to that of The Cedars in being set back from the building line of properties on Mill Ridge. Taking these factors into account I do not consider that the proposed height of the building or its relationship with Ridge House would cause material harm to the overall character or appearance of Mill Ridge.
16. Although I have found that the relationship of the development to Ridge House and the design and height of the building to be acceptable, its position too close to the Stonegrove frontage would appear at odds with the existing pattern of development in the locality. Taking the above factors into consideration, I conclude that the proposed development would cause demonstrable harm to the character and appearance of the surrounding area. It would therefore conflict with Policies CS1 and CS5 of the Barnet Core

Strategy (2012) (Core Strategy) and Policy DM01 of the Barnet Development Management Policies Document (2012) (DMPD). These policies, amongst other things, require that development displays a high quality design that contributes to the creation of a quality environment, preserves local character and respects the pattern of surrounding development.

Living conditions

17. The proposed dwelling units would meet the current national minimum internal floorspace standards as now adopted in the London Plan. However, the Council is concerned that the bedrooms of Units 1 and 4, which are located in the off shoot to the north east of the main part of the building, would have windows facing onto the proposed car turning and parking area and, as such, any future occupants would experience a poor outlook.
18. On the basis of the plans submitted, it would appear that the internal layout of the units in the off shoot have been amended such that the windows of the original kitchen and living room that previously faced the car parking area now face the proposed lawn area. The proposed bedroom windows of these units would now overlooks the car parking area.
19. In my view, it is inevitable that the views from some windows in flatted developments in a close knit urban environment would experience a degree of poor outlook. In this case the main windows of the kitchen and living room have an acceptable outlook over the proposed lawn. Although the bedroom windows would have an outlook over the proposed car parking area, given the small number of car parking spaces proposed and the fact that the windows to the kitchen and living area now have an acceptable outlook, I do not consider that the loss of outlook from these windows would be of an extent to warrant the dismissal of this appeal on those grounds alone.
20. Taking these factors into account, I do not consider that the proposed development would result in a loss of outlook from the bedroom windows of Units 1 and 4 of an extent that would cause demonstrable harm to the living conditions of the occupants of those units. Consequently, there would be no conflict with Policy CS5 of the Core Strategy, Policies DM01 and DM02 of the DMPD and Policy 7.6 of the London Plan. These policies, amongst other things, require that new development should be of a high quality design with high quality indoor and outdoor spaces and provides adequate outlook for potential occupiers

Other matters

21. I have taken into account the concerns of some residents regarding the potential for future occupants of the proposed development to park cars on Stonegrove and Mill Ridge thereby having a detrimental effect on the visibility and accessibility of the junction. However, I note that the proposed parking provision meets the Council's requirements as set out in Policy DM17 of the DMPD. In addition, the Council have not raised any concerns regarding the effect of the proposed development on highway safety.
22. The proposed development is located within walking distance to the town centre and close to bus stops. Given the availability of public transport and proximity of the site to the town centre, I consider the number of car parking spaces to be adequate for the development proposed. Consequently, I do not

consider that the proposed development would have a detrimental effect on highway safety.

Conclusion

23. Although I have found that the proposed development would provide satisfactory living conditions for the future occupiers of the units, the relationship of the building to Stonegrove would have a detrimental effect on the character and appearance of the surrounding area. Therefore, for the above reasons and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR