

Appeal Decision

Site visit made on 18 January 2017

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 31st January 2017

Appeal Ref: APP/N5090/W/16/3163160

8 Poynings Way, North Finchley, London N12 7LP

- 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 IDream Property UK Ltd. against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3949/FUL, dated 14 June 2016, was refused by notice dated 17 October 2016.
 - The development proposed as stated on the application form is alterations and extension to the existing dwelling including an increase in ridge height and the provision of a new dwelling to the side.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development was altered during the course of the application to "erection of a new two-storey dwelling house with rooms in roof space and basement level. Alterations and extension to the existing dwelling including an increase in ridge height, rear dormer window and 1no roof lights to both sides. Part single, part two-storey rear extension". This more fully describes the proposals as shown on the plans.
3. The second reason for refusal refers to Policy DM07 of the Barnet's Local Plan Development Management Policies. However this relates to the loss of residential accommodation which would not occur within the proposed development. Policy DM17 relates to travel and parking matters and I have considered the appeal on this basis.

Main Issues

4. The first and second reasons for refusal, as stated on the decision notice, refer to the "proposed development" which in my view encompasses the whole of the proposals as described above. The third reason for refusal relates solely to the proposed new dwelling. On this basis I conclude that the main issues for this appeal are:
 - the effect of the proposals on the character and appearance of the area;
 - the effect of the proposed new dwelling on the living conditions of occupiers of No 6 Poynings Way taking particular account of outlook; and
 - whether satisfactory provision would be made for parking and manoeuvring of vehicles.
-

Reasons

5. The appeal site is within a residential area with reasonable access to public transport and to a range of shops, services and employment opportunities. On this basis I conclude that the appeal site is in a sustainable location. The construction of an additional residential unit would meet those aims of the development plan¹ and of the National Planning Policy Framework (the Framework) that seek to increase the supply of housing and would be acceptable in principle provided other material planning considerations are satisfied.

Character and appearance

6. The appeal site comprises the house and garden of No 8 Poynings Way. The garage of the property would be demolished and the garden would be sub-divided to enable the construction of a separate dwelling in the side garden. No 8 is located towards the top of Poynings Way which rises up hill from the junction with Walmington Fold.
7. The properties on Poynings Way are detached two storey houses of different styles and sizes. Many have hipped roofs with a noticeable eaves overhang and some have been extended. There is a well-established building line in relation to the shape of the cul de sac and properties have gardens and drives in front of them. The properties around the turning circle are somewhat larger and more spacious than the others on the street. Rear gardens are relatively generous. Most of the houses are set fairly close to the shared side boundaries though there are still perceptible gaps between them particularly at first floor and roof level. The overall character is of a spacious leafy street.
8. No 8 is a detached house with a side garden approximately 12m wide² between the main house and the shared boundary with No 6. The Council Officer considers this to be wide enough in principle to accommodate a dwelling. From my observations at my site visit I see no reason to disagree. The proposed new dwelling would have a similar building line to No 6. Although the proposed dwelling would have a basement and both dwellings would have accommodation in the roof they would appear to be two storey from the street in common with the other houses on Poynings Way.
9. As shown on the plans the main side wall of the proposed house would be sited some 1.77m from the shared site boundary with No 6. This would result in a similar width between main two storey walls as elsewhere on Poynings Way and would not be unacceptable in the street scene.
10. The proposed development would rely on a boundary between the proposed house and No 8 that could not be straight but would have two angles. The revised plan No 0202 Revision D indicates that at the closest point there would be a gap of some 1.849m between the two storey part of the proposed dwelling and the two storey side wall of No 8. Despite this distance, due to the width of the proposed house; its irregular stepped footprint with two corners close to the proposed boundary with No 8; and its position in relation to the house at No 8, there would be very little perceptible visual gap between the two properties. This would result in a cramped and contrived development, tightly

¹ The London Plan 2016 (the LP) and the Barnet's Local Plan Development Plan Document Core Strategy (the CS) and Development Management Policies (the DMPD) September 2012

² Paragraph 5.32 of the Planning Appeal Statement.

squeezed in relation to the width of the frontage. This would be out of character with the surrounding properties; detrimental to the character and appearance of the street and would amount to over intensive development.

11. As the existing garden of No 8 is large adequate outdoor amenity space would be provided for both the proposed and existing houses irrespective of whether some of this would be built development in the form of patios.
12. As Poynings Way rises up the proposed new house would be at a slightly higher level than No 6. The submitted plans show the ridge height of the proposed house would be higher than that of No 6, which reflects the increase in gradients between the properties, and would be slightly lower than the proposed higher ridge of No 8. However, due to the proposed window heights and the extent of wall/bargeboard above the first floor windows, the eaves height of the proposed house would be significantly higher than expected in relation to No 6.
13. The ridge height for No 8 as shown on the proposed Street Elevation Plan Ref No A2.09_PR Rev D would be higher than that of No 9. Moreover, the eaves height for No 8 would also appear to be raised³ so that the harmonious step of buildings up the gradient would be disrupted. The proposed buildings would appear of undue mass and bulk which would be incongruous in relation to No 6 in particular. This incongruity would be exacerbated by the absence of the eaves overhang which is a distinctive feature of a number of properties on the street including Nos 6 and 9.
14. There is no reason why a contemporary design could not be accommodated within the street and I acknowledge the proposed hipped roof forms and the use of red brick, render and tiles as the main external materials would echo those of nearby houses. However, for the reasons set out above I conclude that the proposed development would be detrimental to the established character and appearance of the area and would not amount to good design. Accordingly it would conflict with those parts of Policy 3.5 of the LP; Policies CS NPPF, CS1 and CS5 of the CS; Policy DM01 of the DMPD and those principles of the Framework that seek good design that respects the character of the local area. For these reasons it would not satisfy the environmental strand of sustainable development as defined in the Framework.

Living conditions

15. The two storey element of the proposed new dwelling would project some 4m beyond the rear wall of No 6. I acknowledge that the outlook from No 6 would alter. However, the proposed dwelling would be some 2m from the shared boundary. There would be some 4.5m between the two houses and as shown on the submitted plan the proposed dwelling would not infringe an angle of 45 degrees when taken from the centre of the closest window in the main rear elevation of No 6.
16. Given the distances between the two houses I conclude that the proposed dwelling would have not have such an unacceptable effect on the outlook of the occupiers of No 6 that the proposal should be refused for this reason. The proposal would therefore not conflict with those requirements of Policies

³ Plans Ref A2.06_PR Rev D and A3.01_EX

CS NPPF, CS1 and CS5 of the CS or Policy DM01 of the DMPD that seek a good standard of amenity for all occupiers of land and buildings.

Vehicle parking

17. The revised plan Ref 0202 Rev D indicates two off street parking spaces for the existing and proposed dwelling with space available for planting along the boundaries. This would meet the standards of the development plan whether or not other properties on the street have garages. There would be insufficient room to easily turn vehicles within the proposed forecourt areas and it is likely that as a result of the proposed layout there would be reverse turning movements either from or onto the carriageway.
18. Although Poynings Way is relatively narrow it is a cul de sac and the appeal site is located towards the end of the street so there are likely to be relatively few passing vehicles or pedestrians. Provided appropriate visibility splays were constructed, which could be secured by condition, I consider that the proposed parking arrangements would not increase conflicting movements on the road network to an unacceptable degree. On this basis I conclude that satisfactory parking could be accommodated and that in this respect the proposal would not conflict with Policies CS NPPF, CS1 and CS9 of the CS or Policies DM01 and DM17 of the DMPD.

Other Matters

19. Whether or not the plans were amended following pre-application discussions with the Council or whether the Chipping Barnet Area Planning Committee overturned the Officer recommendation that permission should be granted are not matters that affect my considerations of the planning merits of the proposals. I have reached my own conclusions based on the evidence before me.
20. Occupiers of neighbouring properties have raised concerns about the impact of the proposals on privacy, outlook and sunlight although the Council has raised no such objections. Whilst there would be some impacts in these respects, due to the relative disposition of the buildings, the distances from the boundaries and the absence of clear glazed windows in the proposed side elevations I do not consider these impacts would be so severe as to justify withholding permission on these grounds.
21. Other concerns have been raised by third parties including drainage and the effect of the proposed basement construction. The appellant has submitted a Structural Survey which indicates that construction of the basement is unlikely to have any noticeable effects on the hydro-geotechnical environment in the immediate vicinity of the site and that provided normal precautionary measures were taken the proposed basement would be unlikely to have a noticeable effect on adjacent trees. In the absence of substantive evidence to the contrary I see no reason to disagree.

Planning Balance

22. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise⁴. Planning policies can pull in different directions. The proposed development would

⁴ Section 38 of the Planning and Compulsory Purchase Act 2004

provide a positive, albeit small, contribution to the housing stock of the Borough whether or not the Council can identify a five year deliverable supply of housing land. This weighs in favour of the proposal. The proposed development would make efficient use of plot of land and would include the refurbishment of No 8. However, neither of these matters relies on a development of the scale proposed and accordingly they weigh neither for nor against the proposal.

23. I have found that the proposed development would have an unacceptable effect on the character of the area; would not amount to good design and would not satisfy the environmental strand of sustainable development. These matters weigh against the proposals.
24. On balance taking all these matters into account I conclude that the benefit of an additional dwelling would not outweigh the effect on the character and appearance of the area.

Conclusion

25. The proposal would comply with parts of the development plan, However, in failing to comply with all the criteria of Policies 3.5, 7.4 and 7.6 of the LP; Policies CS NPPF, CS1 and CS5 of the CS and Policies DM01 of the DMPD the proposal does not comply with the development plan taken as a whole. On balance, for the combination of reasons set out above, and taking into account all other relevant matters raised, I conclude that the appeal should not succeed.

SDHarley

INSPECTOR