

## Appeal Decision

Site visit made on 31 January 2017

**by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

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

**Decision date: 24 February 2017**

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**Appeal Ref: APP/N5090/W/16/3162495**

**158b Deans Lane, Edgware HA8 9NT**

- 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 J Walia against the decision of the Council of the London Borough of Barnet.
  - The application Ref 16/4789/FUL, dated 19 July 2016, was refused by notice dated 14 October 2016.
  - The development proposed is additional storey forming a new second floor for 1 one person flat and for 1 two bed two person flat.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The second reason for refusal in the Council's decision notice refers to overlooking to the rear garden and house at 18 Deans Drive. However, at my site visit it was apparent that the house numbers on Deans Drive only go up to No 16, with the buildings at Nos 17 and 18 consisting of business premises. 16 Deans Drive is the property that is nearest on Deans Drive to the appeal site, and so I have considered the effects of overlooking and privacy for this property.

### Main Issues

3. The main issues are the effect of the development on (a) the character and appearance of the area and (b) the living conditions of occupiers of neighbouring properties with regards to outlook and additionally, in the case of 16 Deans Drive, privacy.

### Reasons

#### *Living conditions*

4. The appeal building is a large and imposing structure in a back land location and immediately adjoins the rear gardens of 16 Deans Drive and 11 Hawkins Close. It impinges on the outlook for occupants of these two properties in particular, with a lessening effect on outlook for occupants of properties further to the east and north respectively.
  5. The creation of a second storey would add markedly to the height and bulk of the building and result in a very large and overly dominant structure. It would significantly exacerbate the effect on outlook for occupants of 16 Deans Drive and 11 Hawkins Close from their rear elevations and gardens, and also worsen
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the effect on outlook from properties further to the east and north. Thus, the development would cause harm to the living conditions of occupants of neighbouring properties in terms of outlook.

6. The existing building has windows on the south, east and west elevations serving the first floor flats. From the plans and my site visit, I was unable to tell what room each window served, but the windows closest to 16 Deans Drive already result in some overlooking of the rear garden and elevation of that property.
7. The proposed second floor flats would repeat the same position of windows as the first floor flats, with a kitchen and bedroom window nearest to 16 Deans Drive. At this additional height, views from these windows to the rear garden and elevation of No 16 would be angled downwards, but there would still be an increase in overlooking. Thus, the development would also cause harm to the living conditions of occupants of 16 Deans Drive in terms of privacy.
8. There is currently no screening of the first floor flat windows nearest to 16 Deans Drive, and I am not convinced that it would be possible to adequately screen the nearest second floor windows, particularly the bedroom window given its position. Screening of the second floor kitchen window through the erection of fencing along the existing boundary between the appeal site and 16 Deans Drive would likely result in a solid structure that would worsen the outlook for occupants of No 16.
9. Concluding on this main issue, the proposed development would harm the living conditions of occupiers of neighbouring properties in terms of outlook as well as privacy in the case of 16 Deans Drive. Therefore, it would not accord with Policy DM01 of the Barnet Development Management Policies 2012 (BDMP), Policy CS5 of the Barnet Core Strategy 2012 (BCS) and Policies 7.4 and 7.6 of the London Plan 2016. Amongst other things, these policies seek development that provides adequate privacy and outlook for adjoining occupiers, protects the amenity of surrounding buildings, particularly residential properties and gardens, and ensures people feel comfortable with their surroundings. In addition, the Council's Residential Design Guidance Supplementary Planning Document 2013 (SPD) highlights the need to address privacy and outlook issues in development proposals.

#### *Character and appearance*

10. Building heights vary in the area surrounding the appeal site. The shopping parade to the west is a two storey building that is taller than the residential properties to the north and east of the appeal site on Hawkins Close and Deans Drive respectively. Most nearby buildings have pitched roofs to break up some of the bulk and massing that might otherwise occur with their height, with sufficient spacing between buildings also forming part of the area's overall character and appearance.
11. The existing appeal building is large with a flat roof design, sited close to the rear elevation of the shopping parade and immediately next to the flank elevation of 11 Hawkins Close. The building is not visible from Deans Lane due to the height of the shopping parade and is largely obscured from Deans Drive by existing properties. There is a view of the building from the north along the access road to the rear of the shopping parade.

12. The proposed increased height of the appeal building would not be significantly greater than the height of buildings such as the shopping parade. However, by perpetuating and extending the flat roof design and with such close siting to the shopping parade and 11 Hawkins Close, the increased size, scale and bulk of the building would be at odds with the prevailing character and appearance. Due to its back land location, I accept that the extended building would not be highly visible from surrounding roads, but it would be more apparent in glimpsed views between buildings and along the aforementioned access road. It would also be overly prominent when viewed from rear gardens.
13. Concluding on this main issue, the proposed development would be harmful to the character and appearance of the area. Therefore, it would not accord with BDMP Policy DM01, BCS Policy CS5 and London Plan Policies 7.4 and 7.6. Amongst other things, these policies require development to preserve or enhance local character in terms of matters such as design, scale and the relationship with surrounding buildings. The Residential Design Guide SPD reinforces these policies in terms of addressing local character and matters such as scale and roof form.

### **Other Matters**

14. The appellant highlights a desperate need for small residential units in the area, although I have not been presented with any evidence to verify this statement. Nevertheless, the provision of two additional residential units would only make a very modest contribution to the supply of housing, and so does not outweigh the harm I have identified.

### **Conclusion**

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

*Tom Gilbert-Wooldridge*

INSPECTOR