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## 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/16/3161132**

**6 Great North Way, Hendon, London NW4 1JB**

- 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 V Patel of Monet Developments Ltd against the decision of the Council of the London Borough of Barnet.
  - The application Ref 16/4802/RCU, dated 19 July 2016, was refused by notice dated 6 October 2016.
  - The development proposed is described in the application form as 'redevelopment of site to provide 9 flats'.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of 3 storey building with rooms in roofspace to provide 9 no. self-contained flats, provision of amenity space, hard and soft landscaping, cycle and refuse storage and 11 no. off-street parking spaces at 6 Great North Way, Hendon, London NW4 1JB in accordance with the terms of the application, Ref 16/4802/RCU, dated 19 July 2016, subject to the conditions set out at the end of this decision.

### Application for costs

2. An application for costs was made by Monet Developments Ltd against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

### Procedural Matter

3. The description of development in the application form does not provide sufficient detail in terms of the extent of development, including the number of off-street parking spaces. Therefore, I have used the description from the Council's decision notice in my formal decision above.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including the adjoining Metropolitan Open Land.

### Reasons

5. The appeal site adjoins Sunny Hill Park to the west and south, which is designated as Metropolitan Open Land. The park is characterised by its green
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and open character with mature trees and lawns, along with panoramic views across its slopes to surrounding built development. These buildings vary greatly in height and include significantly tall structures. To the north and east of the appeal site is the A1 Great North Way and suburban residential development along Sunny Gardens Road. The character and appearance here is more built-up and developed, including blocks of flats along the Great North Way.

6. The appeal site benefits from an existing planning permission from 2014 (ref H/04171/14) for the erection of a four storey building including rooms in the roof space and the creation of nine self-contained flats. Building works have commenced and have progressed as far as the first floor. The construction site is particularly visible from the north-east section of Sunny Hill Park from its lower slopes. The completed building under the 2014 permission would be prominent in long distance views across the park due to the height and size of the roof slope, but would not overly protrude above the general treeline or be significantly taller than residential development on Sunny Hill Road. In short distance views from the park along the footpath running past the site boundary, the building would be large and only partly screened by the existing trees. However, this is a relatively limited viewpoint compared to the overall park.
7. The proposed development would have an eaves and ridge height generally around a metre taller than the 2014 permission with dormer windows in the roof slope, but in long distance views across the park this would be barely noticeable. Furthermore, the roof shape and size of the appeal scheme would no more dominant than the approved gable feature which would be very large with a taller ridge height than proposed. Set against the context of other built development surrounding the park, the development would not be obtrusive in long distance views. The effect of the increased height and reconfigured roof space on short distance views from the footpath running past the site boundary would not be excessive given the limited differences between the approved and appeal schemes. Thus, the qualities of Sunny Hill Park as Metropolitan Open Land would not be harmed.
8. The view of the proposed development from the Great North Way would not be much more imposing than the 2014 permission, considering that the roof slope that forms the side of the gable in the 2014 scheme would be very large and bulky in itself. The proposed development is also comparable in size and height to other blocks of flats along the Great North Way. From Sunny Gardens Road, there would be only glimpses of the proposed development through the gaps between properties and the distance and siting of the development would avoid any negative effects. Thus, the character and appearance of the adjoining built-up areas would not be harmed.
9. In conclusion, the proposed development would have an acceptable effect on the character and appearance of the surrounding area including the Metropolitan Open Land. Therefore, it would accord with Policy 7.6 of the London Plan, Policy CS5 of the Barnet Core Strategy 2012 and Policies DM01 and DM15 of the Barnet Development Management Policies Document 2012. Amongst other things, these policies seek to protect and enhance local character and avoid detrimental effects on the visual amenity of Metropolitan Open Land.

## **Other Matters**

10. The siting and orientation of the proposed development and its distance from properties on Sunny Garden Road would avoid any adverse effects on living conditions for occupiers of these properties in terms of privacy to gardens and windows. The proposed development would provide an additional two off-street parking spaces compared to the 2014 permission, with 11 spaces overall. This would help to address the effects of development on local parking provision.
11. The Council has confirmed that the objection raised by the Fire Authority relating to sprinklers is a building control matter.

## **Conditions**

12. The Council has suggested that the same conditions from the 2014 permission should be applied in the event that this appeal is allowed. Given that the 2014 permission has been partly implemented, a number of pre-commencement conditions from that permission should have already been discharged. However, I have not been provided with any information on this matter. Furthermore, elements of the proposal have changed from the 2014 permission such as site layout. As such, I have applied pre-commencement conditions where necessary and relevant. In the event that some conditions have in fact been discharged as part of the 2014 permission, then that is a matter which can be addressed by the main parties.
13. Conditions 1 and 2 setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. Conditions 3, 5, 7, 13, 14, 19 are all pre-commencement conditions seeking approval of details relating to materials, levels, bin enclosures and screening, air quality, noise, and construction management. They are necessary to ensure a satisfactory form and effect of development and require approval before work commences to ensure that the approved details and measures can be incorporated into the construction process.
14. Conditions 4, 6, 9, 10, 11 and 16 are necessary in terms of adequate provision of parking, site enclosure, landscaping and sound insulation, but do not need to occur before works commence as they relate to later phases of the construction process. Conditions 8 and 17 are necessary to ensure that the construction works do not occur at anti-social hours or result in debris on adjoining roads and pavements. Condition 15 is necessary to control the type of use within the development, while Condition 17 is necessary in the interests of highway safety.
15. Condition 12 is amended from the 2014 permission to reflect changes in national policy and housing standards relating to energy performance and accessibility, as set out in the Written Ministerial Statement of 25 March 2015. Where there is an existing Local Plan policy which references the Code for Sustainable Homes, it is possible to still apply a condition for equivalent energy performance requirements until amendments to the Planning and Energy Act 2008 in the Deregulation Act 2015 are commenced.
16. However, it is no longer possible to apply a condition requiring compliance with the new national technical standards on accessibility and wheelchair housing

standards unless there are relevant current Local Plan policies which demonstrate need and where the impact on viability has been considered. I have not been provided with any clarification on whether such policies exist. Therefore, I have amended Condition 12 to refer to energy performance only.

**Conclusion**

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

*Tom Gilbert-Wooldridge*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1861-01, 1861-02 Rev A, 1861-03 Rev B, 1861-04 Rev B, 1861-05 Rev B, 1861-06 Rev B, 1861-07 Rev B, 1861-08 Rev B, 1861-09 Rev B, 1861-10 Rev B, 1861-11 Rev B, 1861-12 Rev B.
- 3) Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 4) Before the development hereby permitted is occupied, parking spaces, cycle parking and turning spaces shown on plan number 1861-03 Rev B shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and shall not be used for any purpose other than the parking and turning of vehicles in connection with approved development.
- 5) Before the development hereby permitted commences, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 6) Before the development hereby permitted is occupied, the site shall be enclosed except at the permitted points of access in accordance with details submitted to and approved in writing by the Local Planning Authority.
- 7) Before the development hereby permitted is occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
- 8) No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.
- 9) Before the development hereby permitted is occupied, a scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority.
- 10) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season

following occupation of any part of the buildings or completion of the development, whichever is sooner.

- 11) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 12) The development shall not be occupied until the relevant requirements of level of energy performance equivalent to ENE1 level 3 of the Code for Sustainable Homes have been met and the details of compliance provided to the Local Planning Authority.
- 13) Before the development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.
- 14) A noise assessment, by an approved acoustic consultant, shall be carried out that assesses the likely impacts of noise on the development. This report and any measure to be implemented by the developer to address its findings shall be submitted in writing for the approval of the Local Planning Authority before the development commences. The approved measures shall be implemented in their entirety before any of the units are occupied.
- 15) The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).
- 16) Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).
- 17) No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage of the Great North Way from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular accesses.
- 18) Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.
- 19) No development shall take place until details of a construction management plan have been submitted to and approved in writing by the Local Planning Authority.