The Planning Inspectorate

Appeal Decision

Site visit made on 6 February 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 02 March 2017

Appeal Ref: APP/N5090/W/16/3164466
33 Puller Road, Barnet EN5 4HG

- 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 Paul Bezzant against the decision of the Council of the London Borough of Barnet.
- The application Ref 16/1550/FUL, dated 9 March 2016, was refused by notice dated 18 August 2016.
- The development proposed is the self containment of an ancillary building to a 1bed 2person dwelling incorporating a side extension.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposal on:

   (i) the living conditions of future occupiers of the dwelling, with particular regard to outlook and outdoor amenity space;

   (ii) the living conditions of the occupiers of the existing dwelling at 33 Puller Road, with particular regard to outdoor amenity space; and

   (iii) the character and appearance of the surrounding area;

Reasons

Living conditions – future occupiers

4. The Council has confirmed that the 1 bed dwelling would comply with the internal space standards as detailed within The London Plan 2015. In addition, from observations made during my site visit I consider that the proposal, both externally and internally is finished to a high standard.

5. The dwelling has three main windows, two on the rear elevation in the bedroom and lounge and full height glazed patio doors in side elevation 2[1]. Two roof lights are located above the lounge/kitchen area. The outlook from the bedroom window and lounge window on the rear elevation is that of the southern rear boundary which consists of a close boarded wooden fence. The distance from the windows to this fence line is approximately 0.9 – 1.2 metres. On this basis I consider that given the lack of outlook, future occupiers would experience a sense of enclose and claustrophobia.

6. Turning my attention to the provision of amenity space, the London Borough of Barnet Local Plan Supplementary Planning Document: Sustainable Design and Construction 2013 (the SDC) acknowledges the value and provision of outdoor amenity space with regards to protecting and improving the living standards of residents, as well as contributing to maintaining and enhancing the wider character of the borough. For houses, such amenity space should be provided in the form of individual rear gardens. The SDC also acknowledges that dwellings with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers.

7. At 47 m^2 the outdoor amenity space exceeds the minimum space requirements as detailed within the SDC. Nonetheless, Table 2.4 of the SDC and paragraph 7.3 of the London Borough of Barnet Local Plan Supplementary Planning Document: Residential Design Guidance (the RDG) both state that in new residential development there should be a minimum distance of 10.5 metres to a neighbouring garden. However, shorter distances may be acceptable between new build properties where there are material justifications.

8. Although the amenity space only has a depth of approximately 6.5 metres, the eastern boundary is approximately 20 metres from the nearest dwelling on Puller Road. Accordingly, despite a technical breach of the guidance, I find that the proposal would not significantly harm the level of privacy experienced by future occupiers.

9. Despite finding no harm in terms of privacy, I find that the proposal would be harmful to the living conditions of future occupants with particular regard to outlook. As such it is contrary to the amenity requirements of Policies DM01 and DM02 of Barnet's Local Plan – Development Management Policies, Development Plan Document (2012) (the DMP), Policy CS5 of Barnet's Local Plan – Core Strategy, Development Plan Document (2012) (the CS) and guidance contained within the SDC and RDG. Furthermore, the proposal would also run contrary to the National Planning Policy Framework's (the Framework) core planning principle of seeking to secure a good standard of amenity for occupants of land and buildings.

Living conditions – existing dwelling at 33 Puller Road

10. A matter of dispute exists between both parties with regards to the number of habitable rooms within No 33 and therefore the minimum amount of amenity space required. From my observations made during my site visit, I accept that one of the rooms on the upper floor is compact. I also acknowledge the measurements provided by the appellant which state that this room measures 5.2 m^2 and therefore falls to meet the SDC minimum requirements for a single

[1] Drawing reference Existing Elevations with Proposed Side Extensions Dwg No 318-PL-05 Rev B

bedroom, which is 8 m^2. The Council contend that the floor plans relating to the planning application for No 33 depict 6 habitable rooms[2]. However, I have no reason to doubt the measurements and therefore I consider No 33 to have 5 habitable rooms for the purpose of this appeal.

11. Accordingly, Table 2.3 of the SDC requires 55 m^2 of outdoor amenity space to be provided for up to 5 habitable rooms. The proposal before me would provide 50 m^2 and therefore there is a shortfall of 5 m^2.

12. Despite this shortfall the appellant contends that the adequate amenity space would be provided. It has been put to me that had the ground floor extension not been built then the shortfall would not have occurred. Furthermore, the appellant contends that the bi-folding doors bring the garden into the kitchen area and would mitigate any confined effect resulting from the level of amenity space.

13. Nevertheless, these factors do not overcome my concerns that the proposed amenity space is inadequate for the size of dwelling. Consequently, the proposal would fail to provide a level of private outdoor amenity space that could reasonably be expected in the context of such a development. A view which was also shared by the Inspector in relation to the appeal decision determined in 2013[3]. I therefore find that the proposal would cause significant harm to the living conditions of the occupiers of No 33 contrary to Policies DM01 and DM02 of the DMP, Policy CS5 of the CS and guidance contained within the SDC, the RDG and the Framework. When taken together these policies and guidance seek, amongst other things, to ensure new development provides a good standard of residential amenity for occupants of buildings.

Character and appearance

14. The appeal site is located to the rear of 33 Puller Road and is an 'L' shaped single storey detached dwelling. The wider area is characterised by predominately residential dwellings consisting mainly of two storey terraced dwellings. The majority of the dwellings appear to have lengthy, narrow rear gardens with many having sheds and small outbuildings. I further note that the previous condition of No 33 and the associated land was in a poor condition and enforcement action was issued by the Council on the previous owner requiring the condition to be improved. Significant improvements have been made by the current owner to both No 33 and the associated land and outbuilding.

15. Located approximately 6 metres from the boundary of the appeal site is 26 Sebright Road which is a single storey dwelling. From my site visit No 26 appears to have accommodation located within the pitched roof space and is noticeably taller than the appeal proposal. As such, given the lower height and pitched roof I do not find that the appeal proposal represents an overly dominant or intrusive feature within the locality.

16. The appeal decision already referred to in 2013 was for the erection of a two storey dwelling on the site. In this instance, the Inspector found that the proposal would be out of scale with the surrounding environment and, due to the proposed height, would be unduly dominant.

[2] Council reference B/00345/13
[3] Appeal reference APP/N5090/A/12/2187073

17. Nevertheless, given the location of the dwelling to the rear of No 33 and its reduced height, views of it from within the public realm are extremely limited. In addition, views of the dwelling from the rear of surrounding dwellings already exist. As such, the subdivision of the site and the conversion of the existing rear outbuilding into a one bed self-contained residential dwelling would result in very minimal change to the existing character and appearance of the surrounding area.

18. I accept that the proposal is not typical within the locality. However, I am not convinced that the proposal would represent such substantial harm to the character and appearance of the surrounding area to warrant refusal. I consider that the minimal scale and set back location is sufficient to override any limited material harm to the character of the surrounding area which may result. I am therefore of the view that the balance of the arguments put to me are in favour of the proposal meeting the design objectives of Policy DM01 of the DMP, Policy CS5 of the CS and guidance contained within the SDC, the RDG and the Framework.

Conclusion

19. Despite finding no harm in regard of character and appearance, the harm I have found to the living conditions of both the future occupiers and the occupiers of No 33 is decisive. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR