
Appeal Decision

Site visit made on 27 March 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/N5090/W/16/3165300
5 Fairholme Close, Finchley, London N3 3EE

- 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 I Elghanian for Mrs O Levi against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 16/4025/FUL, dated 17 June 2016, was refused by notice dated 15 August 2016.
 - The development proposed is described on the application form as 'to demolish existing 2-storey building. To rebuild a new 2-storey family house with five bedrooms and one study'.
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing 2-storey building. To rebuild a new 2-storey family house with five bedrooms and one study at 5 Fairholme Close, Finchley, London N3 3EE in accordance with the terms of the application, Ref:16/4025/FUL, dated 17 June 2016, subject to the conditions set out in the attached scheduled.

Procedural Matter

2. The name of the appellant in the header above is different to that on the original planning application form. However, authority has been given by the original applicant for that change to be made.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located on the northern side of Fairholme Close, within a predominately residential area. The appeal property is sited within a cul-de-sac and consists of a double fronted detached two-storey house and attached double garage. A green space, with a footpath running through the middle, separates the two sides of the street.
 5. The surrounding properties on Fairholme Close vary significantly in terms of architectural style, although the majority are of substantial scale. A consistent building line at the front of properties within the cul-de-sac was evident, with most being set back from the footpath.
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6. The proposal would generally align with the established front and rear building lines and eave and ridge heights of the neighbouring properties. Furthermore, the proposed use of red brick and a tiled roof would be well assimilated into the street scene.
7. The London Borough of Barnet Local Plan Supplementary Planning Document: Residential Design Guidance 2013 (the SPD) states that 'Proposals for new residential development should respond to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context'.
8. In relation to the scale of the proposal, the two bay windows at the front of the living/dining room and study, along with the front section of the utility room, would extend beyond the footprint of the existing house. However, from the submitted evidence, the increase would be no more than approximately 800mm.
9. With regard to the side and rear elevation, the proposed kitchen/breakfast room, and a modest proportion of the living/dining room would also extend beyond the existing footprint. Nonetheless, the kitchen/ breakfast room would generally align with the rear of the neighbouring property at 3 Fairholme Close and the living/dining room would be stepped in towards the rear elevation of the neighbouring property at 7 Fairholme Close.
10. The main increase in mass would occur at the first floor and would be larger than the neighbouring properties at Nos 3 and 7. However, due to the significant scale of the plot, such an increase in mass would not result in an overbearing property within either the immediate grouping or wider cul-de-sac, particularly as the overall separation distances between Nos 3 and 7 would generally remain unaltered.
11. Views beyond the appeal site are limited to generally the upper most sections of a mature tree line. The views behind the appeal property will be reduced, due to the increase in mass at the first floor. Nevertheless, space would remain on either side of the proposal. Accordingly, a significant enclosing effect would not result and views of the tree line beyond would remain.
12. Currently, the appeal property forms part of a group of four dwellings, with No 7 mirroring the appeal property. No 3 is of a similar scale and design, and along with No 9, is constructed from red brick, rather than yellow stock. The common design features of No 7 and the appeal site results in a sense of symmetry, which contributes to the overall street scene. Due to the introduction of the two gable wall frontages, bay windows and fenestration such design features would be lost.
13. Nonetheless, such symmetry is not a common feature within the wider cul-de-sac, with the majority of properties having a distinctly individual architectural style. In particular No 9, located two plots away, is not only constructed from red brick but is also of a significantly larger scale than the neighbouring property at No 7. Despite this, No 9 does not appear at odds within its immediate grouping or the wider cul-de-sac.
14. Concern was raised with regard to the fenestration of the proposal. There is no doubt that the use of full length windows to the proposed gables and the central section would introduce significantly more glass to the front elevation

than that of the existing property. However, the overall heights of the fenestration would align with the front elevations of Nos 3 and 7. In addition, a notable variation in terms of both the scale and degree of fenestration exists within the cul-de-sac. As such, the proposed level of fenestration would not appear significantly at odds with the current design features of existing properties.

15. In addition, the proposed roof lights would be located on the front roof slope directly above the central fenestration. Roof lights are relatively common within the cul-de-sac, with No 9 and a number of properties on the opposite side of the Close having roof lights sited in the front roof slopes. Given the relatively low profile and the existing presence, roof lights are an established feature within the cul-de-sac. As such, the visibility of such roof lights would not appear out of character.
16. As confirmed within the SPD, it is important to recognise the scale and form of surrounding buildings. However, this does not solely relate to those properties located immediately adjacent to the site in question. Indeed, the appeal site is seen in context of the wider cul-de-sac. Due to the varied architectural design, both the scale and high quality design of the proposal would be well assimilated into both the immediate group and wider cul-de-sac. As such, the appeal proposal would not result in an overbearing or visually intrusive form of development.
17. Accordingly, the proposal would accord with the requirements of Policies 3.5, 7.4 and 7.6 of The London Plan 2016, Policy CS5 of The London Borough of Barnet, Barnet's Local Plan (Core Strategy) Development Plan Document 2012, Policy DM01 of The London Borough Of Barnet, Barnet's Local Plan (Development Management Policies) Development Plan Document 2012, and the SPD. When taken together these policies and guidance seek, amongst other things, to ensure that new residential development is of a high quality design which respects local context and the distinctive local character.

Other Matters

18. Various concerns have been raised regarding the potential impact of the proposal in relation to vehicular access, construction noise and disturbance, and loss of light. However, there is no substantive evidence which would lead me to conclude the scheme should be resisted on these grounds.

Conditions

19. I have considered the conditions suggested by the Council against the tests of the National Planning Policy Framework and advice provided by the Government's Planning Practice Guidance. I find them to be reasonable and necessary in the circumstances of this case; however some have been edited for precision and clarity.
20. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans in order to provide certainty.
21. To ensure the safe implementation of the development, and to avoid harmful effects on neighbours' living conditions, conditions are necessary in relation to a Demolition & Construction Method Statement and hours of work. In addition, conditions relating to the details of external materials; the levels of the

development; hard and soft landscaping; refuse storage and collection points are necessary to safeguard the character and appearance of the area.

22. A condition to remove a number of permitted development rights from the new dwelling in relation to additional windows or doors at the first floor level or above in the flank elevations is necessary to safeguard the privacy and amenities of neighbouring properties. Planning Practice Guidance states that conditions restricting all permitted development rights 'will rarely pass the test of necessity and should only be used in exceptional circumstances'. A clear justification for the removal of all permitted development rights has not been demonstrated and therefore such a condition is not necessary.
23. In order to promote the efficient use of water, a planning condition is necessary which ensures that each dwelling has a water meter and includes water efficiency measures to enable water consumption to meet the standard of 105 litres per head per day or less.

Conclusion

24. I therefore conclude that, subject to conditions, the appeal should be allowed.

Helen Cassini

INSPECTOR

CONDITIONS SCHEDULE

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; HD854/1000 Existing Elevations; HD854/1001 Existing Ground Floor Plan; HD854/1002 Existing First Floor Plan; HD854/1004 Existing Elevations In Relation to Neighbours; HD854/1005 Existing Plans In Relation to Neighbours; 440-A-001 Proposed Front Elevation; 440-A-002 Proposed Ground Floor Plan; 440-A-003 Proposed First Floor Plan; 440-A-004 Proposed Rear & Side Elevations; 440-A-005 Proposed Roof Plan and Section; K1715-T Site Survey.
3. No development or site works, including demolition, shall take place on site until a Demolition & Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including delivery hours; loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. The development shall thereafter be implemented in accordance with the measures detailed within the approved details.
4. No development, other than demolition works, shall take place until details of the materials to be used for the external surfaces of the buildings to the rear of the site and extensions to the existing building hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
5. 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 08.00 hours or after 13.00 hours on Saturdays, or before 08.00 hours or after 18.00 hours on other days.
6. Before the development hereby permitted is first 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. The development shall be implemented in accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
7. No development, other than demolition works, shall take place until details of the levels of buildings, roads and pathways in relation to the adjoining land and highway and any other changes proposed in the levels of the site hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved levels.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-

enacting that Order with or without modification), no windows or doors, other than those expressly authorised by this permission shall be installed at first floor level or above in the flank elevations.

9. Prior to the first occupation of the dwelling house hereby approved it shall all have been constructed to have 100% of the water supplied to it by the mains water infrastructure provided through a water meter or water meters and it shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 litres of water per head per day or less, and shall thereafter be retained.
10. No development, other than demolition works, shall take place until a hard and soft landscaping scheme for the front forecourt area has been submitted to and approved in writing by the local planning authority. The scheme shall include details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping. All planting within the approved scheme 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. The development shall be implemented in accordance with the approved details and retained as such thereafter.
11. If, within a period of 5 years from the date of planting, the trees (or any trees planted in replacement) or shrubs to be planted as part of the approved landscaping scheme is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.