
Appeal Decision

Site visit made on 25 April 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 22nd May 2017

Appeal Ref: APP/N5090/W/17/3168104

78 Woodlands, Golders Green, London, NW11 9QU

- 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 Sony Douer (Luckworth Properties Limited) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/7000/FUL, dated 1 November 2016, was refused by notice dated 6 January 2017.
 - The development proposed is demolition of the existing two-storey building and erection of a three-storey building with rooms in the roof space to form 3 self-contained flats with associated car parking, cycling storage, refuse and recycling storage (revised scheme).
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing two-storey building and erection of a three-storey building with rooms in the roof space to form 3 self-contained flats with associated car parking, cycling storage, refuse and recycling storage at 78 Woodlands, Golders Green, London, NW11 9QU in accordance with the terms of the application, Ref 16/7000/FUL, dated 1 November 2016, subject to the list of conditions set out in Annex A.

Procedural Matter

2. One of the Council's reasons for refusal referred to the need for the proposal to comply with the optional requirements of Part M4(2) of the Building Regulations, concerning step-free access to the proposed dwellings. The Council has advised that additional information submitted with the appeal is sufficient to demonstrate that it would not be viable to for the proposed development to fully comply with the optional requirements. The Council therefore no longer objects to this aspect of the proposal. No other parties commented on this issue. Having reviewed the additional information, I am satisfied that my acceptance of it does not prejudice any party, and that it addresses the Council's concerns. As such, I will make no further reference to this matter.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
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- The effect of the proposed development on the living conditions of the occupiers of 80 Woodlands, with particular reference to overlooking.

Reasons

Character and appearance

4. The appeal site is a corner property located at a bend in the street, and occupied by a detached two-storey dwelling. Other detached houses line the street where it rises away from the site to the north. Flatted blocks of various ages and heights are situated across the road from the site, to the east and south, with the latter belonging to a larger estate of similar development.
5. The Council has objected to the alteration of character of the area by the proposed replacement of the dwelling with a flatted building. However, during my site visit, I noticed that the presence of large flatted blocks alongside single dwellinghouses imbued the area with a mixed character. Although much of the to the north is occupied by detached houses, many of these have themselves been the subject of large extensions, resulting in large or bulky dwellings that in some instances occupy much of their plots and frontages.
6. I acknowledge the Council's view that the site lies at a junction between lower and higher density development in the area, noting that an increase in dwelling density may follow this development, were it to be allowed. The appeal site benefits from its corner location and large gap between its occupant building and the row of homes to the north, setting the two elements apart within the street scene and allowing for a definite break in character. Moreover, taking into account the site's proximity to existing high-density development, I do not consider that the principle of higher density development on this site is unacceptable on its own terms, or that it sets a principle for similar proposals to be allowed in other parts of the street or area.
7. Turning now to the design of the proposed scheme, the existing house would be replaced with a three-storey building, with the second floor of accommodation to be within a semi-pitched, 'crown' roof. The new building would occupy a similar footprint to the existing, with a small increase in the height of the roof. It would have a larger mass and appear bulkier than the existing building, but this would be broken down on its longest (eastern) elevation by a catslide-style roof element. Whilst it would appear obviously different to its older, more ornamented neighbouring buildings, it would not deviate from the character of the larger flatted buildings and renovated single houses that I saw to the south and east of the site. It presents an appropriate response to its corner location.
8. The Council has expressed concerns about the appearance of the proposed elevations. Whilst the building would lack the flourishes of the older homes in the area, its materials would reflect surrounding development. The proposed elevations may appear uninteresting when viewed in plan form; however, the building would appear more lively when viewed from its approaches and from the corner. Its appearance would provide an appropriate transition between the aforementioned older development, and the more utilitarian appearance of the flats to the south.
9. I therefore conclude that the proposed development would not have a significantly harmful impact on the character and appearance of the area. It

would not conflict with the Council's *Core Strategy* (2012) Policy CS5 or *Development Management Policies* (2012) (DMP) Policy DM01, which together require development to protect the character and amenity of its area, and reflect local characteristics, amongst other factors.

Living conditions at 80 Woodlands

10. The proposed dwellings would not have any habitable room openings facing in the direction of No. 80, which is to the west of the appeal site. The proposed first and second floor flats would have external balconies attached to the northern elevation of the proposed building. As presently designed, these would enable future occupants to have limited westward views towards the patio garden area of No. 80. The main outward views from the balconies would be northward, overlooking a portion of the garden of No. 80, adjacent to its rear boundary.
11. The appellant has offered to provide obscure screening to the side of the balconies, to prevent the transverse views of the patio and garden areas closest to the dwelling of No. 80, by way of a condition attached to the decision. I consider that this is an appropriate solution to restrict overlooking most likely to affect the occupants of No. 80, without increasing the massing of the proposed building or unreasonably affecting the outlook of its occupiers.
12. I note that the garden of No. 80 is already overlooked by surrounding dwellings, and that the additional density of the proposed building, compared with the existing house on the site, could result in a slightly increased intensity of overlooking. Nonetheless, with the mitigation measures in place, I consider that any incremental impact on privacy compared with the existing situation would be minor and limited to the rear of the garden of No. 80, and would not result in a significant detrimental impact on its occupants.
13. I therefore conclude that the proposed development would not have an unreasonably harmful effect on the living conditions of the occupiers of 80 Woodlands, with particular reference to overlooking. There would be no overall conflict with Core Strategy Policy CS5 or DMP Policy DM01, which together require development to allow for adequate privacy for adjoining occupiers and users, amongst other factors. I have also considered the guidance set out within the Council's adopted *Residential Design Guidance Supplementary Planning Document* (2016) in my decision.

Other issues

14. Some of the concerns put to me by neighbouring residents can be appropriately addressed through the use of planning conditions. However, the effect of the proposed development on car parking and traffic congestion in the area is a chief concern, and an issue which I have given considered in detail.
15. The Council considers the proposed parking provision to broadly comply with its adopted maximum provision standards. Although it is possible that there may also be some additional demand for parking space on the street, above the occupancy of the four bays to be provided on the site, this is already an area with a relatively high density of development. Having inspected the on-street parking availability and restrictions in the vicinity of the site, opportunities for parking are limited by its corner location and the numerous crossovers from neighbouring properties. Additionally, having considered all of the evidence

before me, I consider that there is no conclusive evidence to suggest that the on-street parking situation would become significantly worse as a result of the proposal being allowed. Taking into account the likely low additional increase in demand for on-street space compared with existing demand, residents' concerns, and the accordance of the proposed on-site provision with Council requirements, I consider that on balance this issue would not warrant a dismissal of the appeal.

16. I have also considered the impact of potential additional vehicular movements generated by the proposed development. Although this could lead to some additional noise and other local environmental impacts, given the already high level of movements in the area as suggested by neighbouring occupiers, these additional movements would represent only a small percentage of overall traffic on the road network. As such, the impact from this increase is unlikely to be significant, and not measurably detrimental to residents' living conditions or overall levels of road congestion.

Conditions

17. The appellant and Council have recommended conditions which are considered in light of the tests set out in the *Planning Practice Guidance*. All are necessary, reasonable and enforceable in the interests of securing an acceptable development. Condition 2 is necessary in the interests of proper planning and to ensure that the development is carried out as approved. Condition 3 is required to ensure that the proposal has an appropriate impact on the character and appearance of the site and surrounding area, and condition 4 is needed in the interests of living conditions of neighbouring occupiers, as set out above. Conditions 5 and 6 are also needed to preserve existing living conditions and to minimise the development's impact on its surroundings.
18. Condition 7 is needed to ensure that waste is stored appropriately and can be efficiently collected from the site, with condition 8 applied for reasons of environmental sustainability. Condition 9 is similarly required for sustainability, and to ensure that there is sufficient storage for bicycles, and condition 10 will ensure that the development's future residents have appropriate access to the garden space as shown on the appeal plans.

Conclusion

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

G Rollings

INSPECTOR

(Overleaf: Annex A – List of conditions.)

Annex A: List of Conditions

- 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: 897/40B; 897/41 B; 892/42B.
- 3) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the materials as approved under this condition.
- 4) Prior to the occupation of the first and second floor flats, the first- and second-floor balconies hereby approved shall be fitted with privacy screens to be 1.7m in height and incorporate obscure glazing, permanently affixed along the lengths of their west-facing sides.
- 5) Prior to the first 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).
- 6) 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.
- 7) 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 full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
- 8) Prior to the first occupation of the new self-contained flats hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters, and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
- 9) The approved development shall make provision for cycle parking and cycle storage facilities in the location shown on Appeal Plan 897/41 B. These shall be provided prior to the occupation of the first dwelling, and the spaces shall be permanently retained thereafter.
- 10) The amenity space shall be subdivided as shown on Appeal Plan 897/41 B before first occupation, and permanently retained as such thereafter.