

Appeal Decision

Site visit made on 9 May 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/N5090/D/17/3171192

Hayloft Cottage, Totteridge Green, Whetstone, London N20 8PE

- 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 Richard Collinge against the decision of the London Borough of Barnet Council.
 - The application Ref 16/7816/HSE, dated 7 December 2016, was refused by notice dated 14 February 2017.
 - The development proposed is for minor alterations to the roof, northern flank wall, lowered ground floor and reformed porch.
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Decision

1. The appeal is allowed and planning permission is granted for minor alterations to the roof, northern flank wall, lowered ground floor and reformed porch at Hayloft Cottage, Totteridge Green, Whetstone, London N20 8PE in accordance with the terms of the application Ref 16/7816/HSE, dated 7 December 2016 subject to the conditions as set out in the Schedule attached to this decision.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Totteridge Conservation Area.

Reasons

3. The appeal site is set within the Totteridge Green Conservation Area and faces on to part of Totteridge Green. It is characterised by a verdant abundance and with dwellings, often detached and set within generous plots. Architectural styles vary quite significantly with Grove View Cottage and Smithy House to the south being of a vernacular form and design, whilst Amberley to the north is far more contemporary in its appearance.
4. The subject building, formerly an ancillary outbuilding to Smithy House is partly integrated within the single storey lean-to garage which is attached to that neighbouring property. It is located close to both side boundaries, including the northern boundary which is demarcated by a high laurel hedge that surrounds Amberley. There exists a doorway into the rear of the Smithy House garage which is accessed via a short alleyway from its rear garden, a window is proposed to be inserted into the subject dwelling that would look out into this.
5. The Totteridge Conservation Area Character Appraisal Statement (2008) (CAS), stipulates that there are 24 locally listed buildings in the Conservation Area which do not meet the National listing criteria, but have important local significance and

are worthy of protection. Smithy House is one of the buildings listed as such. Concerns have been raised by third parties with regard to the potential for the dwelling to be converted into a four bedroom dwelling in the future, and the reason for these concerns being that such changes would give rise to a cramped and overdeveloped dwelling. However, should such an instance occur, there would be no material change to the physical appearance of the dwelling from that which is currently proposed.

6. The proposal before me would increase the scale of the dwelling, in particular by raising the ridge of the foremost part of the building to the same height as its rear portion, and stepping out part of the northern elevation of the building so that it would be flush along the whole extent of the northern boundary. Some alterations to the fenestration on the front elevation are also proposed, but in totality, I consider that the dwelling as extended would still remain subservient in form to Smithy House. Therefore, whilst I realise that the proposal adds bulk to the building, this would not be significant and I consider that the marginal increase of the ridge of the front half of the building to that of the rear section would be sympathetic in design and form.
7. I note from the Officer's Report that it is stated that the proposal complies with the Council's Local Plan Supplementary Planning Document: Residential Design Guidance (2016) (RDG), by virtue of the moderate increase in the overall dimensions of the dwelling as extended and I have been given no substantive reason to come to a different conclusion on this. In addition, the CAS highlights that Totteridge Green is reminiscent of a picturesque English village green, I agree that it is very charming in its appearance, and by virtue of the above I find that its charm not be materially harmed by the proposal. Therefore, at the very least, the proposal would preserve the character and appearance of the Conservation Area and would not give rise to an overdevelopment of the site, bearing in mind the dwelling's existing relationship to its side boundaries and its marginal increase in footprint.
8. I find that the proposal complies with Policies CS1 and CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document (2012) and Policies DM01 and DM06 of the Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) which seek to ensure that development in Barnet respects local context and distinctive local character, including through the enhancement of the Borough's high quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable. This is in addition to ensuring that Conservation Areas are protected and enhanced. I also find no direct conflict between the proposal and the Council's CAS or RDG.

Other Matters – Living Conditions and Conditions

9. I note concerns raised by third parties with regard to the lowering of the ground floor level and the potential resultant impact of excavating ground in close proximity to foundations and the boundary with Smithy House and Amberley respectively. Concerns have also been raised with regard to a network of underground springs. In response to this, the appellants suggested to the Council's Planning Officer, the imposition of conditions to deal with such matters appertaining to the provision of a Basement Method Statement, Construction Management Plan and Foundation Details. I consider, by virtue of the close proximity of the building works to both neighbouring properties, that it would be both appropriate and necessary to impose conditions to this effect.

10. Concerns have also been raised with regard to the enlargement of the first floor window in the rear gable end serving the proposed master bedroom. According to the existing floor plans, the existing window does not directly serve habitable space, and therefore the potential to introduce overlooking of neighbouring gardens would increase through the introduction of a first floor. Whilst views from this over Smithy House would be oblique and limited to the end of its garden, I noted on my site visit that it would overlook the swimming pool and surrounding patio area of Amberley. Therefore it is necessary to ensure that the window is obscurely glazed with non-opening elements below 1.7m above the first floor, so as to protect the occupants of that property from a loss of privacy.
11. I also noted on my site visit that the forward-most window proposed to serve the living room on the southern elevation of Hayloft Cottage would look directly into the alleyway linking the rear garden of Smithy House with its garage. Mutual overlooking to and from this window would be very close range, and whilst restricted to when the occupants of the neighbouring property use their alleyway, I consider that a material loss of privacy to the appeal dwelling could ensue. I therefore consider it necessary to impose a further condition that requires obscure glazing to be fitted and non-opening elements below a 1.7m above the ground floor.

Conclusion and Other Conditions

12. For the reasons set out above, having regard to all other matters raised and through the imposition of necessary and reasonable planning conditions, I conclude that the appeal should succeed.
13. In addition to the standard time limit condition, the Council has suggested a condition requiring external materials to be used in the construction of the extensions to match those of the existing building. In the interests of the character and appearance of the conservation area, this is an appropriate condition. In addition, for the avoidance of doubt, a condition requiring that the development is carried out in accordance with the approved plans is also imposed.
14. I note that Planning Officers in their Addendum to the Officer Report proposed an additional condition concerning levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s). The drawings before me do not show any changes to the ground levels of the parking area and, indeed, if such levels were to be reduced in the future these would amount to engineering operations which would require planning permission.
15. I do however consider it necessary to impose a condition requiring the use of heritage style rooflights, in the interests of preserving the character and appearance of the Conservation Area.

C J Tivey

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall not begin later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:

DRAWING no.0500, DRAWING no. 0501, DRAWING no. 2000, DRAWING no. 2001A, DRAWING no. 2002A, DRAWING no. 2100, DRAWING no. 2101, DRAWING no. 2102, DRAWING no. 2103, DRAWING no. 2200, DRAWING no. 2201, DRAWING no.0502, DRAWING no.0503, DRAWING no. 1000, DRAWING no. 1001, DRAWING no. 1002, DRAWING no. 1100, DRAWING no. 1101, DRAWING no. 1102, DRAWING no. 1103, DRAWING no. 1104 and DRAWING no. 1200.

4. Notwithstanding the details shown on the approved drawings, the rooflights hereby approved shall be of a 'conservation type' with central, vertical glazing bar, set flush in the roof.
5. No development shall take place until a Basement Method Statement has been submitted to and approved in writing by the Local Planning Authority. This Statement shall include details and any necessary mitigation measures regarding:
 - a) Detailed site specific analysis of hydrological and geotechnical local ground conditions;
 - b) An analysis of how the excavation of the basement may impact on the water table and any ground water flow, and whether water perch is present;
 - c) Details and measures proposed to mitigate any risks in relation to land instability;
 - d) Demonstration of how cumulative effects have been considered; and
 - e) A comprehensive non-technical summary document of the assessments provided and information submitted against a) to d) of this condition.
6. No development shall take place until a detailed Demolition and Construction Management Plan covering the matters set out below has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and measures approved as part of the Demolition and Construction Management Plan, which shall be maintained throughout the entire construction period:
 - a) A Demolition and Construction Method Statement covering all the phases of the development to include details of noise control measures (including a Risk Assessment of the demolition and construction phase); and
 - b) A Demolition and Construction Waste Management Plan setting out how resources will be managed and waste control at all stages during a construction project.

7. No impact piling shall take place until a Piling Method Statement (detailing any type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and neighbouring buildings, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.
8. The proposed Master Bedroom shall not be occupied until the first floor window in the rear gable elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
9. The proposed Living Room shall not be occupied until the forward-most window in the southern elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.