

Appeal Decision

Site visit made on 3 May, 2017

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

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

Decision date: 26th May, 2017

Appeal Ref: APP/N5090/W/17/3167582

26a Church Lane, East Finchley, London, N2 8DT

- 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 Robert Hodgson (RD Residential Services Limited) against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 16/6322/FUL dated 27 September, 2016 was refused by notice dated 9 December, 2016.
 - The development proposed is erection of a house following removal of enclosed storage area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposed development would provide adequate living conditions for future occupants, with particular reference to outdoor space provision, and outlook;
 - The effect of the proposed development on the living conditions of the occupants of 24 Church Lane, with particular reference to outlook; and
 - The effect of the proposed development on highway safety, and the appropriateness of its parking arrangement.

Reasons

Character and appearance

3. The appeal site accommodates a single-storey storage area with doors opening directly onto the street, capped by parapet wall. It is located within a historic village centre, and the buildings on either side have a heritage character. To the south-west is a semi-detached pair of two-storey dwellings at 28 and 30 Church Lane; these dwellings are set back from the street, but No. 28 has a single-storey front projection with a shopfront that adjoins the appeal site. This property is listed on the Council's local heritage register. To the north-east of the appeal site is 24 Church Lane, which is a two-storey building with a slight front setback at first-floor level and two shopfront units at ground floor
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level, also adjoining the appeal site. In street views, the appeal site appears as a central feature within the short run of shopfronts formed by these neighbouring properties.

4. The proposed dwelling would be two stories in height, albeit with a partially sunken ground floor level. However, the street elevation would appear as a two-storey dwelling, with a flat roof that would be than the eaves height of neighbouring dwellings. Its height, appearance, and narrow width would contrast sharply with the period buildings on either side, although it would not specifically seek to mimic the appearance of the neighbouring buildings.
5. The buildings at Nos. 24, 28 and 30 are set back from the street at first floor level. The proposed dwelling would have a recessed ground floor entrance, and a first floor that would project slightly forward of the main front wall of No. 24's upper storey. This would be incongruous with the layout of neighbouring buildings. The flank wall adjacent to No. 28 would be visible from the street and would appear bland and bulky. Furthermore, by interrupting the similar ground floor front building line common to the appeal site and Nos. 24 and 28, the proposal would appear obtrusive. It would also detract from the historic character of this part of the street scene, and in particular, the local heritage significance of No. 28.
6. I acknowledge that the wider area has a mix of buildings of different ages and appearances, and that some have projecting bays that are similar to that which is proposed at first floor level. However, in this case, the incongruity of the proposed development within its context would be harmful to the village character of this part of the street scene.
7. I have taken into account the requirement of the *National Planning Policy Framework* (the Framework) (paragraph 135) to have regard to the scale of the harm and the significance of the heritage asset at No. 28. Given its impact on the village character, on which No. 28 makes a positive contribution, the scale of the harm would be significant. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with the Council's adopted *Core Strategy* (2012) Policy CS5 and *Development Management Policies* (2012) (DMP) DM01 and DM06. Together, these require development to have a high standard of design that is appropriate to its local context and distinctiveness, including its historic context, amongst other factors.

Living conditions for future occupiers

8. The partially sunken ground floor would be located within the rear part of the proposed dwelling. Its living room would adjoin a similarly sunken rear garden, separated by large glazed doors, with an opening of a similar width to that of the room. I acknowledge the Council's concerns that there could be a poor level of outlook for occupants using this main living space of the dwelling. However, I have balanced this against the relatively shallow depth of the proposed ground floor level at the rear of the dwelling and the fact that occupants standing in the living room would have uninterrupted views above the 'natural' ground level of the site, across the length of the rear garden to the site boundaries. As such, although occupants would have a slightly restricted outlook from the main room of the dwelling, it would be only slightly less harmful compared than a non-sunken room. As such, I do not consider that this would result in significant harm to the living conditions of occupants.

9. I now turn to the issue of outdoor space provision. The Council's adopted *Sustainable Design and Construction Supplementary Planning Document (SPD)* (2016) sets guidance for outdoor space provision for new residential development. Although this document does not form part of the development plan for the area, it was subject to extensive consultation prior to adoption, and has substantial weight in my decision. The incorporation of the guidance within development is an indicator of the high design quality sought by the Council.
10. Table 2.3 of the SPD suggests an outdoor amenity space provision of 40m² for houses with up to four habitable rooms. The appellant states that 35m² has been provided, which slightly differs from the Council's figure of 33.5m². Nonetheless, the garden space provision is at least 5m² less than the preferred amount. I have taken into account the appellant's suggestion the large rear door blurs the distinction between indoor and outdoor space, but note that such doors are features on many modern properties, and are not specifically accounted for within the SPD.
11. Additionally, although a 35m² provision would possibly be larger than other properties' gardens within the surrounding area, these are unlikely to have been allowed under the current standards, which reflect the Council's aspirations for achieving good living conditions for its residents. The SPD advises that where a development cannot meet standards and is high-density development, under-provision can be mitigated by an innovative design solution for planning obligation, but neither has been demonstrated in this instance.
12. I therefore conclude that although its outlook would not be inappropriate for future occupiers, the development's proposed provision of outdoor space would fail to achieve the levels set by the Council's adopted SPD, which would result in unsatisfactory living conditions for future occupiers. This would conflict with Core Strategy Policy CS5 and DMP policies DM01 and DM02, which require development to meet appropriate standards that promote high quality design and suitable conditions for occupiers, amongst other factors.

Living conditions for occupiers of 24 Church Lane

13. The Council has advised that the ground floor and the first floor of the proposed dwelling would project 2.5m beyond the rear building line of the adjoining dwelling at No. 24. The appellant states that the distance would be 2.3m. Due to its sunken position, the rear part of the dwelling would not be higher than the existing building, with the parapet wall height of about 4.6m above ground level.
14. The Council has expressed concerns that the rear projection of the proposed building would result in an increased level of enclosure of the rear garden of No. 24. I agree that this would be the case, but consider that in this instance, the limited height and depth of the proposed projection would restrict its impact. The rear garden of No. 24 is relatively unenclosed and its occupants would continue to enjoy outward views across the majority of its side boundaries. Whilst the new dwelling would be clearly noticeable, it would not enclose the property to a degree that would result in significant restrictions on outlook from the garden of No. 24, nor result in any unreasonable additional enclosure of the space.

15. I therefore conclude that the proposed development would not have a significantly harmful impact on the living conditions of occupiers of 24 Church Lane, with particular reference to outlook, and there would be no conflict with Core Strategy Policy CS5 and DMP policies DM01 and DM02.

Highway safety and parking provision

16. DMP Policy DM17 requires the provision of at least one on-site car parking space and two cycle parking spaces, with storage facilities, for the proposed development. None have been provided. Replacement of the dropped kerb currently outside the property would result in the creation of one additional on-street car parking bay, but this would not be specifically allocated to occupants of the proposed development.
17. The site has a public transport accessibility level (PTAL) of 1b, which is low. The appellant cites inflexibility within the PTAL rating system and a 12-minute walk to the nearest railway station. Nonetheless, the PTAL has been formulated to take this into account, and it remains that there is poor access to public transport and thereby to a reasonable amount of shops and services. It is therefore highly likely that future occupiers would rely on car travel.
18. I noticed during my visit that there were on-street parking restrictions in the vicinity of the site, and that car parking spaces on surrounding streets were almost fully occupied. Submissions from the Council and several interested parties have cited the high levels of on-street parking within the area, and generally low levels of availability. The appellant has not provided robust rebuttal evidence. Accordingly, taking all of these considerations into account, the omission of an on-site parking bay as part of the proposed development is unreasonable. The aforementioned additional on-street bay in front of the property is likely to serve existing latent demand and, as a public facility, would be unlikely to directly benefit future occupiers of the appeal site.
19. In light of these conditions, the provision of on-site bicycle parking and storage is particularly important. The non-provision of cycle spaces is sometimes rectified through the use of planning conditions, but given the limited dimensions of the appeal site and a shortage of available space at entrance level within the proposed dwelling, it is difficult to envisage a suitable location for the provision of two cycle parking spaces and cycle storage.
20. Increased demand for limited on-street parking can lead to additional traffic congestion, as drivers look for vacant spaces, or 'double-park' within the carriageway. Such conditions can detrimentally impact on highway safety. I therefore conclude that the proposed development is inappropriate with regard to its parking provision, and could have a potentially harmful impact on highway safety. The proposal conflicts with Core Strategy Policy CS9 and DMP Policy DM17, which together require development to provide appropriate transport infrastructure, relieve pressure on the transport network, and not lead to an increase in conflicting movements on the road network.

Other issues

21. I acknowledge the appellant comment that the provision of the proposed dwelling would assist in meeting the high level of demand for new housing in London. However, the benefit in providing one additional dwelling would not negate the harm caused by the proposal. I note also that the appeal proposal

would reuse brownfield land, which is supported in principle by the Framework. However, given that the proposed development is in overall conflict with the development plan for the area, the proposal does not represent sustainable development, for which the Framework holds a presumption in favour.

Conclusion

22. I have found that the proposed development would not harm living conditions of adjoining occupiers. However, this lack of harm does not mitigate the significant harm that the proposal would have on the character and appearance of the area, the living conditions of future occupiers, and on highway safety. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR