
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: 26th May, 2017

Appeal Ref: APP/N5090/W/17/3168209

Sonia Court, Sonia Gardens, North Finchley, London, N12 8BD

- 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 Aftab Sham against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 16/6660/FUL dated 17 October, 2016 was refused by notice dated 21 December, 2016.
 - The development proposed is the construction of a pair of semi-detached dwellings on land adjacent to Sonia Court.
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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;
 - The effect of the proposed development on the living conditions of surrounding occupiers, with particular reference to privacy, outlook, light, and noise and disturbance;
 - Whether the proposed development would provide satisfactory living conditions for its future occupiers, with particular reference to outlook, sunlight and daylight, access, and noise and disturbance; and
 - The effect of the proposed development on car parking and highway safety.

Reasons

Character and appearance

3. Sonia Gardens is a cul-de-sac serving small, discrete blocks of flats arranged along the street and at the head of the cul-de-sac. The appeal site comprises a driveway leading from the head, through a gap between two of the buildings, to an open hardstanding area adjacent to the flats at 7 and 8, and 9 and 10 Sonia Gardens. The level of the hardstanding is slightly above that of the road, with both the driveway and the roadway falling to the west, and a precipitous downward level change between the southern edge of the appeal site and Cliveden Close. Established trees and shrubs line this
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boundary the eastern edge of the site, beyond which is Church Path, a public footpath.

4. The proposed development comprises a pair of attached dwellings close to the south-eastern corner of the appeal site. The existing car parking would be formalised with the creation of seven car parking bays to the front and northern sides of the proposed block, with outdoor garden spaces occupying the remaining surrounding space. The proposed building would be substantially set back from the road, and its sole access would pass existing development. As such, it constitutes a 'backland' form of development.
5. Sonia Gardens is one of several short cul-de-sacs to the east of Woodside Avenue serving small flatted blocks and houses. The other predominant form of development within the area is a more traditional suburban layout of houses arranged in rows along streets. Both of these typologies are characterised by their perimeter block layout, whereby they directly face public streets. Backland development outside this pattern is rare within the area. The closest example to the appeal site is at St Andrews Close but this, unlike the proposed development, is a cottage within a garden setting. The proposed building would have only limited garden space and a cramped entrance area. Accordingly, it would be out of character with the prevailing pattern of development in the surrounding area.
6. The trees appear to mark a historic boundary and are visible from many locations in the surrounding public realm, due to their height and number. They form an attractive backdrop to the existing development in Sonia Gardens and Cliveden Close, and positively contribute to the sylvan nature of the area. As such, they have significant amenity value. The appellant's arboricultural survey and report indicates that they also have a significant amount of canopy coverage and root protection areas.
7. Apart from the removal of one tree specimen which I observed to be in poor health, the survey and report suggests that the protected trees have reasonable health and future life expectancy. However, although the appellant's evidence suggests that the trees would be retained, appeal Plan 443615/SK10 rev. A indicates that many would be removed, due to their proximity to the proposed building. I have considered the impact of both scenarios.
8. Growth of the trees is already constrained by existing structures and the proximity of the hardstanding for car parking. Were the building to be allowed and the trees to be retained, they would be in very close proximity and restrict light and outlook for future occupiers. This could lead to pressure for regular lopping or removal, which would be further detrimental to their health. I acknowledge the conclusions of the arboricultural report with regard to tree maintenance, but further unspecified work is likely to be required at regular intervals in the future, which would be onerous to future occupiers of the development. Given the high amenity value of the trees, their continued health is important, and their loss would be detrimental to the area's character and appearance. As such, neither of the aforementioned scenarios is suitable.
9. 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 *Core Strategy* (2012) Policies CS1 and CS5, and its *Development*

Management Policies (2012) (DMP) Policy DM01. Together, these policies require development to achieve a high design quality, take account of local distinctiveness, and be appropriate to the context of the area, amongst other factors. They are consistent with the strategic design policies set out in *The London Plan* (2015), which has similar aims.

Living conditions of surrounding occupiers

10. The building would be located close to the flank wall of 6-13 Cliveden Close, separated by a narrow gap containing retaining wall and several TPO trees. During my visit, I noticed several windows in this wall, and the close proximity of the proposed building to Nos. 6-13 would result in detrimental impacts on these occupiers' impressions of privacy, their outlook from facing rooms, and potential reductions in daylight levels. I acknowledge that the living conditions of occupiers of Nos. 6-13 are already compromised by the existing change of level and trees, but consider that the significantly overbearing impact and enclosing nature of the proposed building would lead to significant additional harm to these conditions.
11. The property at 1 Theobalds Avenue is opposite the rear boundary of the appeal site, across Church Path. The rear facing rooms in the first floor of the proposed development would be bathrooms and would have obscure glass specified by condition, were the appeal to be allowed, and as such there would be no direct overlooking of the property at No. 1. Views of the proposed development from No. 1 would be partially obstructed by existing trees, the foliage of the retained TPO trees, and boundary structures, and thus it would not be significantly overbearing on this property.
12. The proposed building would be clearly visible from facing dwellings in the existing Sonia Court buildings, but there would be reasonable clearances between the flats and the appeal scheme to avoid significant overbearing or enclosing impacts. However, the proximity of the proposed access route to the front doors and windows of several Sonia Court flats is of concern. I acknowledge that the layout of the access route would be similar to the existing, but consider that formalisation of the existing parking and occupation of the two new dwellings would result in the intensification of the use of this route. The sole access to the parking area and the new properties would pass very close to front doors and habitable room windows serving Sonia Court flats 7 to 10, which would result in increased levels of noise and disturbance to the occupiers of these dwellings.
13. I therefore conclude that the proposed development would have a harmful effect on the living conditions of surrounding occupiers. It would conflict with Core Strategy Policy CS5, DMP Policies DM01 and DM02, and London Plan Policies 3.5 and 7.6, which together require development to minimise its impact on the living conditions of existing residents, amongst other factors.

Living conditions for future occupiers

14. The dwellings' lounge and kitchen/diner rooms would be located at ground floor level, with outlook to the front and rear respectively. To the rear, there would be a minimum clearance of approximately 4.25m between the house and the rear fence. This space would also be occupied by the TPO trees, were they to be retained. To the front, the dwellings would directly abut car parking spaces and the vehicular manoeuvring area. As such, the outlook

from the dwellings' ground floor openings would be poor: to the rear, a limited outlook due to the shallow garden depth and TPO tree cover; and to the front, direct overlooking onto car parking.

15. Living conditions would be further compromised at the rear, were the TPO trees to be retained, due to the likelihood of foliage restricting sunlight and daylight access to both the garden and the rear-facing habitable room openings. Moreover, at the front of the dwellings, the car park would be a source of noise and disturbance due to vehicular manoeuvring and noises, headlights, and noise made by users arriving at leaving their vehicles. The lack of landscaping and a welcoming environment would also contribute to poor legibility of the entrances to the dwellings.
16. Together, these factors would create an unwelcoming environment for future occupiers, and I therefore conclude that the proposed development would not provide satisfactory living conditions for its future occupiers. It would conflict with Core Strategy Policy CS5, DMP Policies DM01 and DM02, and London Plan Policies 3.5 and 7.6, which also require development to attain appropriate standards that promote high quality design suitable conditions for occupiers.

Car parking and highway safety

17. Seven parking spaces would be provided, with two of these to be allocated for use by occupants of the proposed dwellings, and the remaining five bays for use by existing Sonia Court residents. These would replace the existing parking area, which has no marked bays. Nonetheless, given that the proposed dwelling would encroach on the existing parking area, there would be some displacement of parking space. It is unclear from the evidence whether use of the existing parking space by existing residents is by formal or informal arrangement. Regardless of its status, when this displacement is considered in conjunction with the likely increased demand for parking arising from the proposed dwellings, there would be a significant overall increase in demand for off-site parking within the area around the appeal site.
18. The carriageway of Sonia Gardens is narrow, and there is a limited number of on-street parking bays. These are only available to residents with parking permits and were fully occupied at the time of my visit. Surrounding streets have similar restrictions. Given the poor public transport accessibility level of the site, it is likely that existing and future occupiers would rely on car travel and, as such, a sufficient and proportionate amount of car parking is required relative to the amount of development in the area.
19. 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. These conditions have a detrimental 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 CS5 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

20. I acknowledge the appellant's comment that the proposed dwellings would assist in meeting the high level of demand for new housing in London. However, the benefit in providing two new dwellings does not, in this instance, mitigate the significant harm that the proposal would have in respect of the issues discussed above.

Conclusion

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

G Rollings

INSPECTOR