
Appeal Decision

Site visit made on 16 May 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 9 June 2017

Appeal Ref: APP/N5090/W/17/3170203

Garages at 1-4 Porch Way, Barnet N20 0DS

- 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 Andreas Antoniadou against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/7548/FUL, dated 14 April 2016, was refused by notice dated 22 February 2017.
 - The development proposed is construction of single storey detached dwellinghouse with associated amenity space, refuse/recycling store, cycle storage and 1no. off-street parking space.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of the proposed development on the original application form refers to the erection of a single storey three bedroom new home. However, the plans show that two bedrooms would be provided. I have therefore used the description of the proposed development provided on the Council's decision notice which is a more accurate one. However, I have not included the part which refers to the demolition of the existing garages as these have already been largely demolished and demolition is not development in any case.

Main issues

3. The main issues are the effect of the proposal on the character and appearance of the area; and whether the proposal would provide adequate living conditions for any future occupiers with particular regard to outlook and external amenity space provision.

Reasons

Character and appearance

4. The appeal site is located within a wider residential area which typically comprises two storey dwellings of a traditional appearance. It occupies a corner position along Porch Way between two blocks of terraces which are sited broadly at right angles to each other. The appeal site previously contained a block of garages but these have now been largely demolished. It has a narrow entrance before opening up where it is bound by the flank walls and rear
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gardens of the adjacent dwellings along Porch Way. The rear garden of a dwelling along Bedford Way adjoins the rear boundary of the appeal site. The visual gap between the blocks of terraces provided by the appeal site provides a positive spatial quality within the streetscene and is reflective of gaps between other blocks of terraces along Porch Way.

5. The proposal would introduce a single storey detached dwelling onto the appeal site, with amenity space, a refuse and recycling store, cycle storage and an off-street parking space. The dwelling would be of a contemporary design with a flat roof and would be constructed from brick with timber framed windows and doors.
6. I have been referred to two previous appeals on the site, one in respect of a four bedroom dwelling¹ and one in respect of a three bedroom dwelling², both of which were dismissed. Whilst the principle of a single storey dwelling on the appeal site appears to have been accepted by the previous Inspectors, concerns were raised in those cases regarding the cramped nature of development given its close proximity to the appeal site boundaries.
7. I acknowledge that the proposed dwelling would maintain a visual gap at first floor level between the adjacent blocks of terraces. This would conserve a spatial quality within the streetscene. I also recognise that the bespoke contemporary design would add visual interest along Porch Way and would provide an attractive contrast to the traditional appearance of dwellings along this road. I also note that the proposed dwelling would retain a greater level of separation from its boundaries than would have been the case in the previous proposed schemes.
8. However, the setback from the rear boundary would still be modest and would result in a wide but excessively short rear garden. Whilst its overall size would be larger than some other gardens in the area, it would not adequately reflect their depth. The close proximity of the proposed dwelling to the rear boundary of the appeal site and the resultant excessively short rear garden would, in my view, result in a cramped form of development out of keeping with the more spacious character of its surroundings. Consequently, the proposal would result in considerable harm to the character and appearance of the area and thus, would not overcome the concerns of the previous Inspectors in this regard.
9. The proposal would therefore be contrary to Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (Core Strategy); and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP). These policies require, amongst other things, development to create a quality environment, to improve the environmental conditions in an area, to respect, preserve or enhance local context and character and to respect the pattern of surrounding buildings and spaces.
10. It would also conflict with the guidance of the Council's Residential Design Guidance Supplementary Planning Document 2016 (RDG) which advises that development should relate to its setting and local character and respond positively to reinforcing or improving local character.

¹ Ref APP/N5090/W/15/3139361

² Ref APP/N5090/W/16/3154654

Living conditions

11. The two bedrooms would be served by glazed doors which would face onto the rear garden. Due to the excessively short rear garden, they would also face, from a short distance, any rear boundary treatment between the appeal site and the garden of the dwelling to the rear. This would limit severely any meaningful views from the glazed doors of the bedrooms and would provide a considerable sense of enclosure to them. Consequently, any future occupiers would experience a poor level of outlook from both of these rooms. As the bedrooms would provide two of the three habitable rooms of the proposed dwelling, a poor level of outlook overall would be experienced by any future occupiers.
12. I acknowledge the appellant's argument that the overall amenity space provision, at approximately 63 square metres (sqm), would exceed the Mayor of London's requirement in this regard. I also note that the overall area of the rear garden in this proposal has increased slightly from that considered under the last appeal. However, the spaces to the front and side of the proposed dwelling would be disjointed and irregular in shape which would limit their functionality as amenity space. The rear garden, given its excessively short length, would feel overwhelmingly enclosed and would have limited utility and would not be an attractive space for any future occupiers as a result. I am also concerned that the rear garden would not be particularly well connected to the main living area of the house. Any future occupiers would be required to either gain access to it down the side of the proposed dwelling or through the bedrooms. This would be likely to further discourage its use. In addition, it is my understanding of the evidence that the rear garden considered under the last appeal, whilst marginally smaller, was greater in depth and therefore offered greater utility.
13. Whilst the appellant indicates there are some public spaces within a ten minute walk from the appeal site, these would not provide the same role as a well connected and easily accessible private amenity space for everyday purposes such as sitting out and relaxing and the drying of clothes.
14. I therefore conclude that the proposal would provide inadequate living conditions for any future occupiers with regard to outlook and external space provision. It would therefore offer a poor quality living environment overall. This would be contrary to Policies CS NPPF and CS1 of the Core Strategy; and Policy DM01 of the DMP. These policies require, amongst other things, development to improve social conditions, to create an attractive place for people to live in and to be designed to allow for adequate outlook for potential occupiers.
15. The proposal would also conflict with the guidance of the RDG which advises that the fundamental design considerations for amenity space should be its quality and usability and that narrow amenity space should be avoided.
16. The Council also cites conflict with Policy DM02 of the DMP. This policy requires development to comply with certain standards, including those within the Council's Sustainable Design and Construction Guide (SDCG) in respect of outdoor amenity space. However, I have not been provided with a copy of the SDCG to consider any compliance or otherwise with it. Furthermore, paragraph 8.11 of the RDG suggests that the minimum outdoor space standards of the SDCG do not apply to smaller sites. Given the modest size of the appeal site, I

consider that Policy DM02 is not of relevance in so far as the Council's outdoor amenity space standards are concerned.

Other matters

17. The proposal would reuse previously developed land. It would make a contribution, albeit a limited one, to housing supply within the Borough. It would occupy a location with a good level of access to local services and facilities for any future occupiers. The redevelopment of the site would also result in the removal of a large amount of rubbish from it and would prevent any further dumping of rubbish onto it. These benefits weigh in favour of the proposal. However, they are not sufficient in my view to outweigh the harm to the character and appearance of the area and the inadequate living conditions that would be provided for any future occupiers.
18. The appellant indicates that the Council informed him that it would have approved the application had he amended the plans to add a semi-circular bay window to the front. However, there is no substantive evidence to support this claim. As such, I afforded it limited weight. In any case, it falls on me to consider the proposal on the basis of the submitted plans, which, as can be seen from my reasoning above, I consider to be unacceptable.

Conclusion

19. For the reasons set out above and having regard to all other matters, including parking, highway safety, right of passage, privacy and noise and disturbance, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR