The Planning Inspectorate

Appeal Decision

Site visit made on 23 May 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 21st June 2017

Appeal Ref: APP/N5090/W/17/3170571
44 Holden Road, London N12 7DN

- 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 Bellcast Ltd against the decision of the London Borough of Barnet.
- The application Ref 16/6324/FUL, dated 28 September 2016, was refused by notice dated 26 January 2017.
- The development proposed is described as the redevelopment of the site by way of the demolition of the existing detached building (comprising 3 x 2 bed flats) and its replacement with a part three, part four storey building comprising 9 flats (3 x 1 bed, 3 x 2 bed, 3 x 3 bed), incorporating 9 parking spaces (including 1 disabled space), 20 cycle parking spaces, private and communal amenity space, refuse and recycling storage and associated landscaping.

Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of neighbouring occupiers in respect of outlook and light.

Reasons

Character and appearance

3. No 44 is not nationally or locally listed, however it is an imposing structure within the street scene due to its design, height and mass. It is visible from far away when approaching the appeal site from either direction. Views nearer to the appeal site are set within the context of St Barnabas Church, another imposing structure. The scale and height of No 44 is amplified by No 42, which is bungalow set on lower ground.

4. The siting and scale of No 44 allows for views through the site to the mature trees and vegetation to the rear. This is demonstrative of the general character of the area, with spaces between the various developments providing a sense of openness. The appeal proposal would result in a significantly larger building in terms of its scale and mass which would be sited towards the front of the appeal site. This increase in overall mass, along with the addition of hard landscaping to facilitate parking to the rear, would result in a significant increase in built form on the site, which would fail to enhance the sense of space and openness preserved by No 44.

5. No 44 maintains the appearance and design of a traditional family home. This appearance reinforces the residential nature of the area and responds positively to the built form on this side of the road. The proposal would accommodate nine flats and would be an increase in terms of the mass of the built form on the site, which would reflect the flatted developments in the area. Moreover it would introduce a number of large windows on the front and side elevations, including a glazed stairwell. This change in scale and design, with the proposal being closer to No 42 than the existing building, would be detrimental to the street scene at this point in the road.

6. I note that the appellant has proposed a front gable which reflects the design of the existing building and other properties on the road, and suggests that the materials would match other developments in the area. I accept that materials could be secured by way of conditions. However, the overall design of the proposal would not result in a building that contributes to the character and appearance of the area as positively as No 44 does.

7. As such, I find that the proposal would not respond to, or enhance, the character and appearance of the area as positively as the existing building does. It would therefore have a detrimental effect on the character and appearance of the area. Accordingly it fails to comply with Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy 2012 which seek to ensure development respects local character and context. The proposal fails to comply with Policy DM01 of the Development Management Policies DPD 2012 which, amongst other things, seeks to ensure that development respects the appearance, scale, mass, height and pattern of surrounding buildings.

Living conditions

8. To the north of the appeal site sits No 46 Holden Road, a semi-detached house which sits further back from the road than the existing property at No 44. To the south of the appeal site is No 42.

9. The stairwell would have aluminium frame glazing, therefore anyone ascending or descending the stairs would have direct views over No 42. Furthermore the windows on the south elevation appear to serve bedrooms and livings rooms, and these windows would overlook No 42. I accept that due to the size of No 44 in comparison to No 42, it already has an overbearing effect on the occupiers of No 42. However the proposal would significantly increase the number of units on the appeal site, and the number of windows would be increased, whilst the gap between the properties would be reduced. Cumulatively this intensification would significantly increase the extent to which the proposal would be overbearing to the occupiers of No 42. In my view this would have a detrimental effect on the living conditions of the occupiers of No 42.

10. In respect of the windows on the north side of the proposal, these would amplify the extent to which the proposal would have an overbearing impact on the occupiers of No 46. These windows are either secondary windows or serve bathrooms, and I consider that it may be possible to limit the harm through the use of obscure glazing and fixing the windows shut.

11. A roof terrace and balconies would be included to provide amenity space for the occupiers of the proposal. These aspects of the proposal would be sited in

the south elevation, north elevation, and rear elevation. The inclusion of these would contribute to the overbearing effect of the proposal on the occupiers of the neighbouring properties, particularly in respect of the occupiers at No 42.

12. The appellant has revised the scheme to address concerns relating to the scale and mass of the proposal, and the ridgeline would be slightly lower than No 44. However, the overall mass of the proposal would still be significantly larger, and wider, than No 44 as it currently stands. This factor, when considered alongside the physical element of overlooking, would have an unacceptably overbearing impact on the occupiers of neighbouring properties.

13. The Appellant has submitted a daylight/sunlight report which concludes that the majority of windows to the front, rear and flank elevations will retain daylight levels very close to or at the same level as existing. I accept that the proposal would not result in a loss of daylight/sunlight to neighbouring occupiers. However, I have identified significant harm to the living conditions of the occupiers of neighbouring properties in respect of overlooking and the overbearing effect of the proposal.

14. As such, I conclude that due to the scale and mass of the proposal, and its positioning within the site, it would have a detrimental impact on the living conditions of the neighbouring occupiers. Accordingly it would fail to comply with Policy CS5 of the Local Plan Core Strategy 2012 in enhancing the borough's suburbs, and Policy DM01 of the Council's Development Management Policies DPD 2012 in respect of allowing adequate privacy and outlook for adjoining and potential occupiers and users. The proposal would also fail to comply with the guidance in the Residential Design Guidance SPD 2016 in respect of its design and layout.

Other Matters

15. The Council has recently resolved to grant planning permission for the conversion of St Barnabas Church to residential use comprising 21 flats, and the demolition of No 42 Holden Road and construction of a three storey and lower ground floor development comprising nine flats. This permission is subject to the completion of a S106 planning obligation, and I am not aware that the planning permission has been issued. I have therefore attached limited weight to the resolution to grant.

Conclusion

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

Johanna Ayres

INSPECTOR