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## Appeal Decision

Site visit made on 6 June 2017

**by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC**

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

**Decision date: 27 June 2017**

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**Appeal Ref: APP/N5090/W/17/3172192**

**63 Well Road, Barnet, EN5 3EA**

- 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 Krzysztof Serwecinski against the decision of the Council of the London Borough of Barnet.
  - The application Ref 16/7724/FUL, dated 5 December 2016, was refused by notice dated 30 January 2017.
  - The development proposed is the demolition of covered storage and yard areas to the side of the existing building. Erection of a new dwelling to the side of existing dwelling. Reconfiguration of car parking to the front of the new dwelling to provide 2 spaces per residential unit (both the existing and proposed new dwelling).
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of covered storage and yard areas to the side of the existing building, erection of a new dwelling to the side of existing dwelling and reconfiguration of car parking to the front of the new dwelling to provide 2 spaces per residential unit (both the existing and proposed new dwelling) at 63 Well Road, Barnet, EN5 3EA in accordance with the terms of the application, Ref 16/7724/FUL, dated 5 December 2016, subject to the conditions in the attached schedule.

### Preliminary Matter

2. The Council's second reason for refusal related to the loss of privacy of future occupiers of the proposed dwelling arising from existing raised decking to the rear of No 63. The appellant considers that this matter could be addressed by a condition requiring the removal of the decking, an approach with which the Council, in its statement, agrees. I consider that this approach would avoid any harm to the living conditions of future occupiers occurring in this respect and have therefore not dealt with this matter as a main issue. I do not consider that any parties will have been prejudiced as a result of my so doing.

### Main Issue

3. The main issue raised by this appeal is the effect the development would have on the character and appearance of the host property and the area.

### Reasons

4. The appeal site comprises one of a pair of semi-detached houses and the associated garden and outdoor space to the side and rear. The proposal would replace an existing lean-to side extension with an attached two storey house of
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- similar design and proportions to that of the host building, albeit set at a lower level.
5. The site lies at the end of a row of semi-detached dwellings which characterise Well Road to the north of the site, although those nearest the site are of a different detailed appearance than the appeal site and its neighbour. Short terraces of dwellings mainly characterise Well Road to the south of the site. The site differs from the majority of other plots on Well Road as a result of the more generous frontage and space which exists between the two storey part of the existing building and its nearest neighbour to the south.
  6. The appeal proposal would change the appearance of the pair to that of group of three discrete units forming a short terrace. This would appear distinct from the semi-detached configuration of their neighbours to the north and the longer terraces to the south. The proposal would not result in a symmetrical appearance considered with the existing pair.
  7. However, the projecting two storey front bay, similar frontage width and similar design and detailing would mean that the dwelling would not appear at odds with the appearance of the existing pair. Its lower position and ridge height relative to the pair would follow the gentle fall in gradient along Well Road. This change in level and the gap which would remain between the proposal and its neighbour to the south would avoid the two groups of buildings visually coalescing or the dwelling appearing cramped within the site.
  8. Whilst the proposed dwelling would have a degree of subservience to the scale of the pair as a result of its lower height, its similar building line and width would be more assertive and similar to that of the existing building. This would not render its appearance inappropriate although it would not accord with the some of the Council's guidance<sup>1</sup> for extensions which seek set-backs and limited relative widths, amongst other requirements. Given the wider character of the plot and the proposal's appearance which reflects its nature as a separate dwelling, the proposal would nevertheless accord with that guidance's aim to reflect the design of the original building whilst having regard to the character of the area. It would also accord with its advice for new residential development.
  9. The proposal would not appear incongruous or otherwise harmful to the character and appearance of either the existing pair of houses or the wider streetscene. It would respect its local context and preserve the distinctive local character of its surroundings as well as respecting the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. As such it would comply with the requirements of Development Management Policies<sup>2</sup> Policy DM01 and Core Strategy<sup>3</sup> Policy CS5 and there would be no conflict with the Council's sustainable design guidance<sup>4</sup>. It would also accord with the national policy<sup>5</sup> approach of seeking high quality design which responds to local character.

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<sup>1</sup> Local Plan Supplementary Planning Document: Residential Design Guidance, 2016.

<sup>2</sup> Barnet's Local Plan (Development Management Policies) Development Plan Document, 2012.

<sup>3</sup> Barnet's Local Plan (Core Strategy) Development Plan Document, 2012.

<sup>4</sup> Local Plan Supplementary Planning Document: Sustainable Design and Construction, 2016.

<sup>5</sup> National Planning Policy Framework, paragraphs 17, 58 and 64.

## **Other Matters**

10. The building would be situated far enough away from the adjoining end terrace house at 61 Well Road to avoid any harmful overbearing effect or loss of daylight, concerns raised by the occupier. The drawings indicate obscure glazing in the first floor windows facing No 61 which would avoid any harmful overlooking and their retention could be required by way of a condition. I note that the Council's Delegated Report reached a similar conclusion in this respect. Interested parties have raised concerns that the dwelling would be used as a house in multiple occupation. The proposal seeks permission for a dwelling and there is no substantive evidence to suggest that any material harm would arise from the forms of occupancy which are permitted for such a use.

## **Conditions**

11. It is necessary to specify the approved drawings as this provides certainty. Limiting construction and demolition hours and approving a Construction Method Statement will ensure that highway safety and neighbours' living conditions are not harmed. Approval of materials, boundary treatments and details of refuse storage will ensure that the character and appearance of the area is preserved and existing and future occupiers' living conditions protected.
12. Requiring implementation of the obscure glazing shown on the drawings will ensure that there is no loss of privacy to neighbouring occupiers. In order to avoid any harmful loss of privacy to future occupiers which could occur as a result of height and close proximity of the existing decking at the rear of No 63, it is necessary that this be removed before the proposed dwelling is occupied and that details of alternative access arrangements are approved.
13. Bearing in mind the Planning Practice Guidance's approach that such conditions should only be used in exceptional circumstances, I have not been presented with any substantive reasons that it would be necessary to remove permitted development rights for extensions or alterations to the proposed house or its garden in order to safeguard neighbours' amenity. There is no suggestion that decking of a similar height to that which exists could be re-erected to the rear of No 63 with the benefit of permitted development rights and it would therefore not be necessary to withdraw such rights in this particular respect.

## **Conclusion**

14. For the above reasons, and having had regard to all other matters raised, the proposal would not harm the character and appearance of the host property or the area and would comply with development plan and national policy. The appeal is therefore allowed.

*Geoff Underwood*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; RE/63WR/1 and RE/63WR/2.
3. Demolition or construction works shall take place only between 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the means of access to the site;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) the loading and unloading of plant and materials;
  - iv) the storage of plant and materials used in constructing the development;
  - v) the erection and maintenance of any means of temporary enclosure or security hoarding;
  - vi) measures to control the emission of pollution, dust and dirt, including measures to prevent mud and debris being deposited on the public highway, during demolition and construction, and;
  - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the demolition and construction period for the development.

5. No development above foundation level shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
6. Prior to the first occupation of the proposed dwelling: i) means of enclosure, and; ii) enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and/or other refuse storage containers where applicable, together with a satisfactory point of collection, shall be implemented in accordance with details which have been submitted to and approved in writing beforehand by the local planning authority. The means of enclosure and refuse facilities shall be retained thereafter.
7. Prior to the first occupation of the proposed dwelling, the decked area to the rear of 63 Well Road shall be removed. Prior to any replacement steps or other treatment being installed to the rear of 63 Well Road details are to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
8. The building hereby permitted shall not be occupied until the windows at first floor in the side elevation have been fitted with obscured glazing in accordance with drawing RE/63WR/1, and no part of those windows that are less than 1.7 metres above the floor of the rooms in which they are 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 windows are installed and once installed the obscured glazing shall be retained thereafter.