
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

Appeal Ref: APP/N5090/W/17/3172197

Rear of 161A Holden Road, London N12 7DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Cass against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/7841/OUT, dated 9 December 2016, was refused by notice dated 1 February 2017.
 - The development proposed is the erection of single storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating any details of reserved matters shown on the plans as being indicative.

Main Issue

3. The main issue raised by this appeal is the effect the development would have on the character and appearance of the area, particularly that of the adjoining Metropolitan Open Land.

Reasons

4. The appeal site is situated adjacent to a bungalow, 161A Holden Road. At the time of my visit the site was vacant and open with the exception of two containers and a demountable cabin. The site is bounded to the south by the rear gardens of properties on Laurel View. The substantive part of the site is more or less level with the forecourt of No 161A but drops away to the west where it extends close to the Dollis Brook which runs through the adjacent Whetstone Stray Public Open Space. It is bounded by allotments to the north which along with the Open Space are designated as Metropolitan Open Land (MOL).
 5. The indicative siting and elevations show a flat roofed bungalow with a larger footprint than No 161A set within retaining walls on three sides with the effect that approximately half the height of the rear elevation of the dwelling would be set below the level of land to the east. The north and west elevations are indicated as being treated as 'living green walls' and the roof covered in sedum.
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6. Notwithstanding that it is largely without vegetation and has a degree of seclusion as a result of surrounding trees and shrubs, the open and undeveloped character of the substantive part of the appeal site has characteristics in common with the green and open character of its MOL setting to the north and west. This character is distinct to that of the more developed one created by buildings on Laurel View and Holden Road, including No 161A, to the south and east. Along with the rear gardens of properties on Laurel View it provides a soft, undeveloped edge to the MOL. The open character of the appeal site has not been diminished by No 161A and the Council point out that this building replaced a previous garage court.
7. The introduction of a substantial building within this area would significantly erode the open character of the site and considerably reduce its role in providing such an undeveloped setting for the adjoining MOL. Furthermore, when surrounding trees and shrubs, including those lining the Brook, are not in leaf the building would be apparent from the Open Space and allotments, resulting in a visual intrusion.
8. The indicative set down within the site would only partially mask the building, and even then mainly from the east. Green wall and roof treatments could go some way to assimilating a building into a landscaped site, as could additional evergreen planting supplementing existing boundary vegetation. However this would not entirely reduce its intrusive appearance, particularly when existing surrounding trees are not in leaf. Although no landscaping details have been provided given the outline nature of the proposal, even if such a scheme could, when mature, effectively screen the dwelling from all aspects throughout the year this would not alter the development's fundamental effect on the current open character of the site whose undeveloped qualities are not solely dependent on visual appearance. On the basis of the evidence before me, there is therefore little likelihood that reserved matters could effectively overcome these effects.
9. I am conscious that in dismissing a previous appeal¹ on the site the Inspector in that case, whilst acknowledging that a single storey building partly set below ground level would be less conspicuous than a two storey one, considered that proposal would "introduce substantial building mass and encroaching urbanisation into this open area...[and]...detract from its function in complementing the MOL and softening the appearance of neighbouring flats and houses in Holden Road and Laurel View." In a subsequent appeal decision² the Inspector considered that circumstances had not changed materially since the 2008 appeal decision and concluded that a dwelling on the site would "...appear out of place and discordant with the prevailing open and green setting...".
10. I have given these previous decisions considerable weight. Notwithstanding the strategies the appellant has explored to try and assimilate any development into the site and address some of those concerns, I consider that the proposal would fundamentally have similar effects to those which previous Inspectors found unacceptable.
11. The proposal would harm the character and appearance of the area and in particular would significantly urbanise and reduce the open character of the site

¹ APP/N5090/A/06/2031190, 8 January 2008.

² APP/N5090/W/16/3153135, 30 September 2016.

with consequent harm to the setting of the adjacent MOL and the overall character of the area. As such it would fail to comply with the character protection requirements of Core Strategy³ Policy CS5 and Development Management Policies⁴ DM01 and, in particular DM15, criterion vi. of which requires that development adjacent to MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings. The proposal would fail to accord with the National Planning Policy Framework's approach of responding to local character and would therefore not accord with Core Strategy Policy CS NPPF.

12. Whilst the development would have the benefit of delivering an additional dwelling, this would be limited as a result of it being a single unit and would not outweigh the harm the proposal would cause to the area's character and appearance. The avoidance of harm to neighbours' living conditions and highways safety does not amount to a positive consideration in support of the proposal.

Conclusion

13. For the above reasons, and having had regard to all other matters raised, the proposal would harm the character and appearance of the area and in particular the setting of the adjoining MOL, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

³ Barnet's Local Plan (Core Strategy) Development Plan Document, 2012.

⁴ Barnet's Local Plan (Development Management Policies) Development Plan Document, 2012.