
Appeal Decision

Site visit made on 20 June 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 28 June 2017

Appeal Ref: APP/N5090/W/17/3172577

76 Lyonsdown Road, Barnet EN5 1JL

- 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 & Mrs Vald against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/6565/FUL, dated 11 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is the erection of a single storey, two bedroom dwellinghouse, together with provision of associated car parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey, two bedroom dwellinghouse, together with provision of associated car parking and amenity space at 76 Lyonsdown Road, Barnet EN5 1JL in accordance with the terms of the application dated 11 October 2016 and subject to the conditions set out below.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal site is within a residential area of predominantly semi-detached dwellings in spacious and verdant surroundings. It is part of an expanse of long, sloping rear gardens between Nos 72 and 82 Lyonsdown Road. This garden land extends to the highway on Hasluck Gardens, from where the proposed development would be accessed and towards which it would face, beyond the present cessation of the built frontage on the east side of the street. Whilst these long gardens contribute to the spacious character of the area, they are confined to the undeveloped frontage along Hasluck Gardens. Accordingly they are not a dominant characteristic of the street scene, viewed from Hasluck Gardens.
 4. The proposed dwelling would comprise a small, single storey structure of contemporary design, consisting of two staggered wings with mono-pitched roofs and joined by a central entrance. Though it would be sited quite close to the highway, which would allow for limited landscaping to the front, it would retain reasonable separation to the side boundaries of the plot and would allow for a practical rear garden area. The squat and simple appearance of the
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building, combined with its staggered profile and variation in roofline would serve to reduce its apparent mass and sense of presence in the street, significantly mitigating the proximity of the structure with the highway. I therefore consider that the development would sit comfortably within its plot, rather than appearing cramped and visually obtrusive, and would respect the spacious garden surroundings. It would also allow for the retention of sufficient garden space to the rear of Nos 74 and 76 Lyonsdown Road.

5. The dwelling would differ significantly in scale and appearance compared with the two storey, hipped roof properties on the opposite side of the road. However because of its recessive qualities, as set out above, the structure would respect rather than compete for attention with these larger, more uniform and dominant dwellings.
6. The same is true in relation to the predominant design of dwellings to the north of the appeal site, along the same side of the road. In addition, the site is separated, both physically and visually, from the nearest dwelling to the north by a dense belt of established mature planting. Furthermore the nearest dwelling, a more modern dormer bungalow, is itself a departure from the predominant form of development along Hasluck Gardens. The development would not therefore be seen to interrupt any strong sense of design uniformity, visual rhythm or forward building line along this side of the street, providing further justification for its variation in appearance.
7. I have taken into consideration that two previously proposed schemes for the site were both the subject of unsuccessful appeals. However the proposals in both cases involved differently designed buildings that were not therefore comparable to the scale and appearance of the current proposal.
8. Overall I conclude that the building would not result in harm to the character and appearance of the surrounding area. It would therefore accord with the National Planning Policy Framework; Policy 7.4 of the London Plan 2016; Policy CS5 of the Barnet Local Plan Core Strategy 2012; Policy DM01 of the Barnet Development Management Policies Development Plan Document 2012 and the Council's Residential Design Guidance 2016 insofar as they seek to promote high quality design that avoids inappropriate development of residential gardens and respects the character of its surroundings, whilst not necessarily replicating the design of other buildings.

Other Matters

9. There have been a number of further concerns raised by local residents. With regard to highway and pedestrian safety, the proposed development would lead to a very small increase in vehicle movements along Hasluck Gardens. Traffic on this road would be expected to be relatively slow moving due to the residential location and relative proximity of the site to the bend in the road. It would also be reasonable to expect that drivers would become familiar with the new development and would exercise usual levels of caution in relation to occasional manoeuvring vehicles.
10. No substantiated evidence has been provided that highway safety problems would arise. Highway concerns were not a ground for the Council refusing planning permission and I have not been made aware that the Council's highway officers have objected to the scheme on this basis. Drawing the aforementioned considerations together I have no reason to take a different

view to the Council in this regard. The proposal would therefore be unlikely to result in harm to highway and pedestrian safety.

11. I am satisfied that the new dwelling would be sufficiently separated from existing dwellings on the opposite side of Hasluck Gardens and Lyonsdown Road to the rear so as not to result in overlooking of property that would be harmful to privacy or undue loss of natural light.
12. There are a number of fruit trees situated on the site that would need to be felled. However these trees do not make any significant contribution to the appearance of the street scene. I have not been provided with any evidence to persuade me that the development would result in harm to the more mature planting adjacent to the side boundary of the plot, to bats that may be present there or to any archaeological features. It would be possible to impose a condition requiring a construction method statement to be agreed in the interests of minimising noise and disturbance during the construction period.
13. Concerns have also been expressed with regard to loss of view that may be experienced. I am, however, unable to attach any significant weight to this matter as it is not the purpose of the planning system to arbitrate over competing private interests.

Conditions

14. I have considered the conditions suggested by the Council. Conditions specifying the plans, details of the external materials, boundary treatments, finished floor levels, bin storage and restricting the future use of permitted development rights are needed to safeguard the character and appearance of the area.
15. Conditions requiring the submission of a construction method statement and the provision and retention of parking space are required in the interests of road safety and the living conditions of residents. I shall attach conditions requiring measures to ensure the development is energy and water efficient and that it allows for changing accessibility needs in the interests of inclusive design.
16. I have made minor alterations to the wording of some of the suggested conditions for clarification and to ensure they meet the tests for conditions as specified in national planning guidance.

Conclusion

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

Roy Merrett

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 to which the permission relates shall be carried out in accordance with the following approved plans and specifications: 1065/01 Rev A; 1065/02 Rev A; 1065/03 Rev A; 1065/04 Rev A; 1065/05 Rev A; 1065/06 Rev A.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling 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.
- 4) The development shall not be occupied until storage space for refuse and recycling materials has been provided in accordance with details to be previously agreed in writing by the local planning authority. The agreed storage space shall be retained thereafter.
- 5) No development shall take place until full details of the finished levels of the ground floor of the proposed dwelling, in relation to existing ground levels, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) The parking spaces shown on the approved drawings shall be provided as specified before any part of the development is occupied and shall thereafter be retained and not used for any other purpose.
- 7) No development shall commence until a construction method statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for the parking of vehicles for site operatives and visitors; measures to control the emission of noise and dust from construction works; loading, unloading and storage of plant and materials used in constructing the development; hours of construction; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried onto the public highway. The approved method statement shall be adhered to throughout the construction period for the development.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development otherwise permitted by Classes A,B,C,D and E of Part 1 of Schedule 2 to that Order shall be developed.
- 9) The development hereby permitted shall not be occupied before the means of enclosure to the site have been constructed in accordance with details that shall have been previously submitted to and agreed in writing with the local planning authority. The approved means of enclosure shall thereafter be retained.

- 10) The dwelling shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2). Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development. The dwelling shall be retained as such thereafter.
- 11) The dwelling shall be constructed so as to limit water usage in accordance with Regulation 36(2)(b) of Part G2 of the Building Regulations. Evidence, confirming that the appointed Building Control body has assessed and confirmed that this requirement will be achieved shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development. The dwelling shall be retained as such thereafter.
- 12) No development shall commence until details of measures to be incorporated into the design of the dwelling hereby approved, to reduce carbon dioxide emissions have been submitted to and approved in writing by the local planning authority. The development shall be implemented and thereafter retained in accordance with the approved details.