
Appeal Decision

Site visit made on 13 June 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 30 June 2017

Appeal Ref: APP/N5090/D/17/3172395

86 Brent Park Road, Brent Cross, London NW4 3HP

- 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 Radoslav Georgiev against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/6691/HSE, dated 18 October 2016, was refused by notice dated 13 January 2017.
 - The development proposed is described as taking down existing garage and rebuilding it from ground level. Keeping the functionality of the building unchanged. Adding water tap which is to be used for cleaning purposes. Re running power supply cable from main house and putting in place new electrical installation in the garage. Increasing the size of the outbuilding.
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Decision

1. The appeal is allowed, insofar as it relates to the extent of development identified on the submitted plans only, and planning permission is granted for the construction of new two storey shed following demolition of garage (retrospective) at 86 Brent Park Road, Brent Cross, London NW4 3HP in accordance with the terms of the application, Ref 16/6691/HSE, dated 18 October 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans all dated 4 November 2016: Planning Drawing RLG80 Sheet 1/3; Planning Drawing RLG80 Sheet 2/3; Planning Drawing RLG80 Sheet 3/3.

Procedural Matters

2. The Council changed the description of application Ref 16/6691/HSE from that contained on the application form to 'construction of new two storey shed following demolition of garage (retrospective)'. This is a more accurate description of the development proposed which I have consequently used in the determination of this appeal.
 3. At the time of my site visit the external elements of the proposed development as shown on the submitted plans were complete. However, a substantial canopy had been added to the north elevation of the building and facing towards No 86 Brent Park Road. The canopy is not shown on the submitted plans. The Council determined the application on the basis that the proposed development was retrospective. Except for the canopy, I have no evidence to suggest that the construction work has been otherwise undertaken than in
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accordance with the submitted plans. I have therefore determined this appeal on the basis of the plans considered by the Council which do not include the canopy.

Main Issues

4. The main issues are:

- The effect of the development on the character and appearance of the surrounding area.
- The effect of the development on the living conditions of the occupants of neighbouring properties with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site comprises the rear garden of a mid-terrace dwelling located on the south side of Brent Park Road. Properties in the area are arranged in blocks of four dwellings. Driveways at the sides of the blocks lead to a rear track that provides vehicular access to garages and outbuildings that are located at the southern extremity of the rear gardens.
6. Most properties on this side of the street have garage/outbuilding structures of varying size, design and construction materials with both pitched and flat roofs. Although there is no consistency in the appearance of these garages and outbuildings, they are predominantly located towards the rear extremity of the garden. In most cases these buildings occupy the full width of the rear garden.
7. The development undertaken comprises a blockwork rendered building with a tiled gable roof which the submitted plans identify as being 4m high to the ridge, 5m long and 5m wide. The position of the north elevation is approximately commensurate with that of the outbuilding at the adjoining property at No 84. Although the Council identify the building as being two storeys, its appearance is that of a single storey building with storage space in the roof void.
8. There is little difference in the distance from the rear façade of No 86 to the north elevation of the building than that which exists between the rear of adjacent properties at Nos 84 and 88 and their respective outbuildings. Although the building appears to be higher than the garage it replaced, its appearance, scale, mass, height and rear garden position is little different to other garages and outbuildings located on this side of the street and in particular those at Nos 80, 82 and 90. Given the distance of the building from the rear of the dwelling and its design relationship with others in the area, its height does not appear as being excessive or out of keeping with nearby buildings. Furthermore, the extent of built development in the rear garden is little different to that at other properties in the area. As such, excepting the canopy, it does not constitute overdevelopment of the site.
9. The building as constructed pursuant to the submitted plans is entirely consistent with the character and appearance of other garages and outbuildings in the area. In contrast, the canopy that has also been constructed is not consistent in appearance of other buildings. It also increases the extent of the covered floor area well beyond that of other outbuildings. However, for the

reasons explained above the canopy is not a matter before me. It is for the Council in the first instance to consider the planning merits of the canopy either through the submission of a planning application or through subsequent enforcement action.

10. Taking the above factors into account, the building as constructed, excluding the canopy, does not cause any significant harm to the character and appearance of the surrounding area. Consequently, there would be no conflict with Policy CS5 of the Barnet Local Plan Core Strategy (2012) or Policy DM10 of the Barnet Local Plan Development Management Policies Development Plan Document (2012) (DMP). These policies require that development should be based on an understanding of local characteristics that should preserve local character and respect the scale, mass, height and pattern of surrounding buildings and spaces.

Living conditions

11. The position of the north elevation of the building, not including the canopy, maintains the same relationship to the rear façade of the host dwelling as is displayed between the rear façade of the adjacent dwellings at Nos 84 and 88 and their respective outbuildings. Given this relationship, and owing to its position at the rear of the garden, it would not cause any significant loss of outlook or appear as being overbearing in oblique views from the adjacent properties.
12. Although the building is higher than the flat roof outbuilding at No 84, given the distance from the rear façade of the adjoining properties and the fact that these rear gardens are south facing, it does not cause any significant loss of sunlight or daylight to the rear windows of the adjacent properties.
13. The building has glazed doors facing the rear of the host property and the submitted plans show a roof light on the rear south facing roof slope. Given the intervening boundary treatment between adjacent properties of close boarded timber fencing, views into the gardens of adjacent properties are not readily attainable from the building. As such, it does not cause any loss of privacy of an extent that would be sufficient to warrant the dismissal of this appeal.
14. Consequently, the development does not cause any significant harm to the living conditions of the occupants of neighbouring properties. It would not therefore conflict with Policy DM01 of the DMP, the relevant parts of which require that development should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Other matters

15. I have taken into account the concerns of the occupier of No 84 that the development may have encroached into part of the rear garden of that property. However, from my observations at my site visit it appeared that any alleged encroachment was as a consequence of the position of the canopy which, for the reasons explained above, is not a matter before me in the consideration of this appeal. Notwithstanding the fact that the occupier of No 84 can consider other legal action outside of the Planning Acts in respect of any alleged encroachment, the issue of encroachment is not relevant to the consideration of the planning merits of this appeal.

Conditions

16. The Council has suggested two planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the government's Planning Practice Guidance. As a result, I deleted one of them for the reasons set out below.
17. I have imposed a condition requiring that the development is carried out in accordance with the submitted details. This is in the interests of certainty. The Council has also suggested a condition should be imposed restricting the future insertion of any windows in the flank elevations of the building in order to safeguard the amenities and privacy of the occupiers of adjoining residential properties.
18. However, the outlook from any such windows would be towards the access track at the rear at the properties and would not provide direct views over garden areas. As such, the suggested condition would be both unreasonable and unnecessary. I have therefore deleted the suggested condition.

Conclusion

19. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR