
Appeal Decision

Site visit made on 7 June 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/N5090/W/17/3169735

Land to rear of 252-254 East Barnet Road, Barnet EN4 8TD

- 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 Tassos Alekou against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 16/1505/FUL, dated 8 March 2016, was refused by notice dated 29 September 2016.
 - The development proposed is the erection of a two-storey dwelling house with associated parking.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have taken the description of the development from the Council's decision notice since this more accurately describes the appeal proposal.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the development on highway safety in the vicinity of the appeal site; and
 - Whether the proposed development would provide suitable living conditions for the future occupiers, with particular regard to outlook and the provision and quality of outdoor amenity space.

Reasons

4. The appeal site comprises some 130 square metres of land to the rear of numbers 252-254 East Barnet Road. It contains two flat roofed garages and the remainder is overgrown garden area. Numbers 252 and 254 in common with the other buildings to each side of the junction of East Barnet Road with Middle Road are two storey terraces with commercial premises on the ground floor and residential accommodation above. These terraces have gabled frontages that are staggered and set at a slight angle to the footway, which

creates an interesting visual character to the street. To the rear they have a lower, two storey, addition.

5. The site would be accessed from, and the proposed new dwelling would front onto, Middle Road. This street slopes uphill from East Barnet Road and consists primarily of short terraces of two storey houses with shallow front garden areas. A small number of the houses are in semi-detached format. These are all of essentially the same design, constructed in buff brick with red brick string courses and red brick headers to the first floor windows and entrance doors. The houses have ground floor bay windows with a tiled canopy above this and the entrance door. The roofs are pitched with a prominent party wall projecting above the roof plane and these, together with sturdy chimney stacks form a prominent skyline feature. Whilst there have been some alterations to the individual properties, the street as a whole has an attractive and homogenous appearance, reinforced by the paired canopies and symmetrical arrangement of the houses within the terraces.
6. Although the external walls would be rendered, and this is present on most of the immediately surrounding buildings, the proposed new dwelling would have a very simple external appearance, with a flat façade lacking the articulation of the other houses in the street. It would also have a lower eaves level and ridge line than the neighbouring house at number 1 Middle Road. Use of the frontage for parking would be inconsistent with the other dwellings in the street. As a result it would be in marked contrast with the adjacent buildings and would not integrate well with its surroundings.
7. It may well be that the design is comparable to other new dwellings. However, neither the Design and Access Statement nor the information submitted with the appeal suggests that regard has been paid to the context of the appeal site.
8. Although the proposed building plot would have a wider frontage than the surrounding terraced buildings, as it is being created from what was the rear curtilage of numbers 252-254 East Barnet Road, the proposed dwelling would be much larger than the pair of garages currently on the site. As such, the insertion of the proposed dwelling would erode the gap between the existing houses in Middle Road and the buildings on East Barnet Road, which is also mirrored on the opposite side of the street. Whilst the plot coverage ratio may be less than the houses on Middle Road, this would be achieved at the expense of significantly reducing the plot size at 252-254 East Barnet Road. Together with the erosion of the gap, this would result in the development having a cramped appearance.
9. Taken as a whole, I conclude that the proposed development would be harmful to the character and appearance of the area, which has a strong local identity and character. It would fail to meet the requirements of Policies CS1 and Core Strategy Policy CS5 of the Barnet Core Strategy 2012 (Core Strategy) which seek the highest standards of urban design and require that new development respects local context and distinctive local character. It would also fail to show an understanding of local characteristics as expected by Policy DM01 of the Barnet Development Management Policies Development Plan Document 2012 (DMP) and the Barnet Residential Design Guidance Supplementary Planning Guidance (SPD). The National Planning Policy Framework (the Framework), is

also clear that new development should improve the character and quality of an area.

Highway safety

10. Policy DM 17 of the DMP requires that new dwellings with 2 or 3 bedrooms be provided with a maximum of 1 to 1.5 car parking spaces and that, outside a Controlled Parking Zone, limited or no parking can be provided where it can be demonstrated through a survey that there is sufficient on street parking capacity. The appeal site is not within a Controlled Parking Zone and Middle Road is not subject to any parking restrictions other than double yellow lines at the junction with East Barnet Road which extend along Middle Road to the boundary of the appeal site.
11. The proposed parking space would be parallel to the front of the proposed new dwelling. This would meet the requirements of Policy DM17. The Council have expressed doubts as to whether this is practical to use without obstructing the footway, and whether a vehicle could exit the site in a forward gear. The appellant has stated that the proposed parking area would measure 6.7 metres by 2.5 metres, which conforms to the guidance for the dimensions of parallel parking spaces in The Manual for Streets (2007). The configuration of the carriageway, with a built out footway to the north of the appeal site, and the presence of a car parked outside number 1 Middle Road may well make accessing the parking area a slightly awkward manoeuvre. Even so, I am satisfied that it could serve as a parking space in practical terms.
12. Middle Road is a quiet residential street and a no through road, so that occasional reversing manoeuvres onto the carriageway would not be severely prejudicial to highway safety.
13. I therefore conclude that the proposed development would not cause harm to highway safety in the vicinity of the appeal site.

Living conditions of the future occupiers

14. The outdoor amenity space meets the minimum requirement set out in the Barnet Sustainable Design and Construction Supplementary Planning Document 2013, although the Residential Design Guidance also expects a reasonable level of privacy and adequate space for day to day uses.
15. Whilst the proposed outdoor areas would be of modest size, they would not be so constrained that they could not be used for the purposes set out in the SPD. I have had regard to the Council's point that the proposed amenity space does not reflect the depth, shape and design of gardens to properties in Middle Road, however, there is no compelling evidence that the proposed configuration is impractical.
16. Although there are first floor windows in the side walls of neighbouring properties, due to the relative positions any casual overlooking of the proposed garden area of the new dwelling would be minimal.
17. The proposed side garden area would, at times, be overshadowed by the proposed dwelling but the proposed rear garden area would receive more direct sunlight despite its limited depth. Within this context, I consider that the proposed outdoor amenity space would meet the relevant requirements of the Sustainable Design and Construction and Residential Design Guidance SPDs.

18. Policy DM01 of the DMP requires that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. The relationship of the kitchen window to the rear boundary fence and the slight projection of the first floor would result in a restricted outlook some loss of daylight. However, this would be offset by the open plan layout of the ground floor and large window on the front elevation.
19. Taken as a whole the future residents would have a reasonable outlook from the habitable rooms of the proposed dwelling. In the absence of any evidence to the contrary, and taking into account the proposed orientation the position of the windows, I have no reason to believe that the proposed dwelling would not receive adequate levels of sunlight and daylight.
20. I therefore conclude that the proposed development would provide suitable living conditions for the future residents, with particular regard to outlook and the provision and quality of outdoor amenity space.

Other matters

21. The Party Wall Act and Rights to Light Act are primarily concerned with private legal rights, and they are not matters that I can take into account. During my site visit I noted the windows on the side elevation of number 1 Middle Road, one of which appears to serve a landing window and the other being a high level window to a dining room. Whilst the proposed development would reduce the amount of light received by these windows, the effect of the proposed development would not be so severe in itself to warrant withholding planning permission on this ground.

Conclusion

22. The development as proposed would cause harm to the character and appearance of the area. As such it is contrary to Policies CS1 and CS5 of the Core Strategy and Policy DM01 of the DMP. This is, to my mind, an important matter, such that the proposed development should be considered contrary to the development plan as a whole. Whilst the development would contribute to the overall stock of housing in the Borough and may well reduce pressure on greenfield land, this is not sufficient to overcome the conflict with the development plan.
23. I therefore conclude that, for the above reasons and having regard to all other matters raised, the appeal should be dismissed.

John Dowsett

INSPECTOR