
Appeal Decision

Hearing Held on 7 June 2017

Site visit made on 7 June 2017

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 24 July 2017

Appeal Ref: APP/N5090/W/16/3164683
186 High Street, Barnet, Edgware HA8 7EX

- 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 Gavin Cooper against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/2863/FUL, dated 29 April 2016, was refused by notice dated 10 August 2016.
 - The development proposed is redevelopment of site for 34 units of 'Retirement Living' (Category II sheltered housing) apartments for the elderly with associated communal facilities, parking and landscaping and 152.77 sq metres of office space (B1(a)).
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Decision

1. The appeal is dismissed.

Procedural matters

2. During the course of the appeal, an amended planning application (ref 16/7355/FUL) was refused by the Council for a similar development on the appeal site. This is referred to by parties as the 'Wheatcroft scheme.' Having been subject to the formal planning application process, consideration of the Wheatcroft scheme would not prejudice the interests of third parties and therefore I accept the revised plans relating to this planning application which have been submitted in support of the appeal.
3. Based on the revised drawings referred to above, the Council were satisfied that reasons for refusal 4 and 5 concerning noise and disturbance and loss of privacy respectively had been satisfied. In light of the evidence before me, I have no reason to depart from this view. My Decision, therefore, relates to reasons for refusal 1-3 as identified in the main issues below.

Main Issues

4. These are:
 - (i) the effect of the proposal on the character and appearance of the area;

- (ii) whether the appeal proposal would provide acceptable living conditions for future occupiers, with particular regard to outdoor space; and,
- (iii) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site is on the corner of Hillside Drive and High Street. Hillside Drive is a residential street, formed of predominantly two storey semi-detached houses. The thoroughfare of High Street supports larger residential buildings, including blocks of flats. Despite the differences in the scale of the buildings on these two streets, both have a pleasant residential character, in part because the scale of the buildings is proportionate to their set back from the street. This creates a characteristic open and relaxed feel to the area.
6. The proposed development would broadly continue the building line set by the existing properties in Hillside Drive on the same side of the street as the appeal site. However, the two and three storey projections would extend closer to the street than the existing houses. Although marginal, this situation, combined with the height of the building, would create a development that would be uncharacteristically overbearing on the street.
7. This would be exacerbated by the prominence of the massing of the north-east facing elevation of the building which would be visible from Hillside Drive. The proposed development would appear overly dominant in views from here and would appear harmful to the more domestically scaled environs.
8. I recognise that St Peter's Court, an existing block of flats opposite the appeal site, is similarly scaled. However, the mass of the building is better accommodated into the street because of its set back and its distance from the properties nearby. Consequently the flats do not encroach onto the street scene in the way that the development would.
9. The form of the proposed development is modular and the flat roofs contrast with a prevalence of pitched roofs within Hillside Drive. St Peter's Court has a flat roof but this is compensated for by a pitched roof also. The modular form of the new building would accentuate its bulk and mass, which in turn would emphasise the building's presence within the street and add to the harm identified to the character and appearance of the area.
10. When viewed from High Street, the proposed development would respond to the building lines set by existing buildings on the same side of the road as the appeal site. However, the modular form of the building, combined with its scale, would create a development that would sit uncomfortably within the street and would appear unduly dominant.
11. I note that every effort has been made to ensure that the scale of the development would respect the scale of the existing buildings in Hillside Drive, particularly No 6 which would be closest to the development. I also note the articulated elevations, which help break down the bulk and mass of the development. However, this would not overcome the harm arising from the

overall form and mass of the proposed building, which would still appear overly large in relation to the character of its surroundings.

12. I accept that any development on the appeal site, being a corner plot and bridging a gap between the larger scaled buildings on High Street with the smaller scaled dwellings on Hillside Drive, would need to make a transition in scale and I recognise the effort to do so. However, the overall scale, form and mass of the development would lack the sensitivity needed to appear harmonious with its surroundings. Whilst the site is not subject to any heritage designations, the development would be harmful to the character and appearance of the area as indicated. For the reasons stated, therefore, the development would be contrary to policy DM01 of the Development Management Policies DPD¹ and paragraphs 17, 56, 58 and 60 of the National Planning Policy Framework (the Framework), which seek, among other things, high quality design and development that preserves or enhances local character, based on an understanding of local characteristics.

Living conditions – future occupiers

13. It was evident at the hearing that the Council's concern for the outdoor space proposed related to the quality of the space rather than its quantity.
14. Whilst the evidence points to residents of existing sheltered accommodation enjoying a variety of spaces, both indoors and out, an area outside, particularly adjoining a resident's lounge, is welcomed for passive activities such as sitting.
15. Future residents would have access to balconies and winter gardens and smaller areas of landscaped grounds around the edges of the building, but the principal area of outdoor space would be the communal terrace and garden. Given the proximity of the outdoor area to the ground floor flat proposed, the occupier's privacy would be affected. Furthermore, being within proximity of the car park, resident's enjoyment of the outdoor space would be affected by noise and disturbance from manoeuvring vehicles. Furthermore, given the height of the development around the space, some overshadowing of the garden is inevitable. This does not amount to a congenial space for sitting out in. Given the time that residents could be expected to sit out, and the importance of doing so for their health and well-being, the outdoor space proposed would not be good quality.
16. McCarthy & Stone is experienced in providing for the recreational needs of elderly residents. Equally, I note the awards won for quality landscaping. However, the Framework promotes sustainable development which includes balancing high quality design and a good standard of amenity with economic development. I note the urban location of the site and the need to make effective use of it. However, there is nothing within the evidence to suggest that a space designed any differently would jeopardise the project. On this basis it is not unreasonable to require good standards of design, beyond what the market may demand. On the matter of landscaping, whilst I have no doubt that the space would be landscaped well, this alone would not overcome the harm found as a consequence of the form and position of the space in relation to its surroundings.

¹ Barnet's Local Plan, Development Management Policies (September 2012)

17. I note the extracts from other Inspectors' appeal decisions, which reveal that a simple application of a numerical threshold is not an appropriate determinant for amenity space. I do not disagree. However, as established, concerns in relation to the amenity space proposed here relate to quality and not quantity. Whilst noting the comments of other Inspectors, in the absence of detailed plans showing the amenity spaces concerned, I am unable to draw reasonable comparisons with the development proposed to establish any precedent. Notwithstanding this, each appeal must be determined on its individual merits.
18. For the reasons given, therefore, I find that the outdoor space would be deficient in a range of areas and would fail to provide acceptable living conditions for future occupiers of the proposed development. As a result it would not amount to the quality living space that policy DM01 of the DPD seeks to achieve.

Living conditions – neighbouring occupiers

19. The Council raises concern for the impact the development would have on the living conditions of the occupiers of No's 6-10 Hillside Drive, in particular on their outlook when in their gardens.
20. Given the generous distance between the proposed development and No 8 and No 10 Hillside Drive, I do not consider that the development would encroach onto the outlook from the gardens to these properties. The garden to No 6 Hillside Drive, on the other hand, is closer to the appeal site. Here, a garden extends from the rear of the property, parallel with the appeal site.
21. I have no doubt that the development would be visible from within the rear garden of No 6. Nonetheless, predominant views from the garden would be multi-directional or from a level below the height of the fence on the shared boundary if occupiers are sat down. Together with the distance of the proposed building from the shared boundary and the mature boundary landscaping along it, the development would not create a sense of enclosure. It would not, therefore, be considered overbearing and likely to impact on the living conditions of the occupiers of No 6.
22. Given the scale of the development proposed, it would be visible from the internal living spaces and gardens at Beddan Court and No 1 Fernhurst Gardens. However, given the distance of separation between the development and these premises, and in the absence of any substantive evidence to demonstrate otherwise, the outlook from these premises would not be affected such that the living conditions of the residents would be harmed.
23. I conclude, therefore, that the appeal proposal would not have an adverse impact upon the living conditions of the occupiers of neighbouring dwellings, with regard to outlook. I find that the development would not be contrary to policy DM01 of the DPD, which requires development to be designed to allow for adequate outlook for adjoining occupiers.

Other matters

24. The appellant advances a range of alleged benefits of the scheme, which I consider as follows. It would help to meet an identified local need for housing for older people, in an accessible location, as supported by the Planning Practice Guidance (the Guidance). The Framework at paragraph 50 also identifies the need to plan for a mix of housing including for the elderly. The

development would also help release local housing stock for families which is also promoted in the Guidance. An affordable housing contribution would benefit the borough's supply of such housing. These are social benefits of the scheme, albeit modest in weight.

25. The development would also help realise economic benefits to the area by supporting local construction jobs, local services and local businesses. These benefits attract modest weight.
26. With regard to the New Homes Bonus, as this is an incentive for local planning authorities to provide housing on suitable sites, and no direct beneficial link between its spend and the immediate area has been established, it attracts very limited weight as a benefit in the planning balance.
27. Developing the site would make use of a previously developed site, increasing building densities as supported by policy 3.4 of the London Plan². The sustainability credentials of the scheme are also welcome, but there is nothing within the evidence to suggest that this would go beyond that which is required by Building Regulations.
28. The appellant questions the Council's ability to demonstrate a five-year supply of deliverable housing sites. The evidence before me on this matter is, however, inconclusive. Nonetheless, even if I were to conclude there is a shortfall in five-year supply of the scale suggested by the appellant, and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission, which I have set out above, would significantly and demonstrably outweigh the modest benefits advanced.

Conclusion

29. I have found that the development would not have an adverse impact upon the living conditions of the occupiers of neighbouring dwellings, with particular regard to outlook. Nonetheless, this would be outweighed by the harm to the character and appearance of the area and the scheme's failure to provide acceptable living conditions for future occupiers. I find, therefore, that the appeal proposal would fail to accord with the development plan and the Framework when taken as a whole. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

R Walmsley

INSPECTOR

² The London Plan, The Spatial Development Strategy for London, Consolidated with Alterations since 2011 (March 2016)

APPEARANCES

FOR THE APPELLANT:

Kenny Brown	Townscape Solutions
Gavin Cooper	The Planning Bureau Ltd
Nicholas Simpson	Nicholas Webb Architects Plc
Jason Tate	Planning Prospects
Rupert Worsen Q.C.	The Planning Bureau Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mike Carlas	Principal Planning Officer, London Borough of Barnet
James Evans	Senior Urban Design and Heritage Officer, London Borough of Barnet
Jonathan Hardy	Design and Heritage Manager, London Borough of Barnet
Nicholas Linford	Area Manager, London Borough of Barnet
Elizabeth Sutherland-Thomas	Senior Planner, London Borough of Barnet

INTERESTED PERSONS:

Hilary and Robert Cane	6 Hillside Drive
Mr and Ms Patel	11 Hillside Drive
Justin Silverman	2 Castleham Court

DOCUMENTS SUBMITTED DURING THE HEARING:

Document 1 – Planning Statement, 186 High Street and 2-4A Hillside Drive, Edgware, April 2016.

Document 2 – Third party objections to plans the subject of planning application 16/7355/FUL.

Document 3 – Email dated 23 May 2017, with associated letter, from Gavin Cooper, The Planning Bureau Ltd, to the Planning Inspectorate detailing the 'Wheatcroft Scheme.'

Document 4 – Drawing NL-2262-03-AC-101 Rev E, Proposed Ground Floor Plan (scale bar added).

Document 5 – Copies of policies DM02, DM08, DM09 and DM10 of Barnet's Local Plan, Development Management Policies (September 2012).

Document 6 – Copies of policies 3.3, 3.4, 3.8 and 3.9 of The London Plan, The Spatial Development Strategy for London, Consolidated with Alterations since 2011 (March 2016)

Document 7 – Email dated 7 June 2017 from The Planning Bureau Ltd to Elizabeth Sutherland-Thomas and Nicholas Linford re 'letter regarding barrier – Edgware.'