
Appeal Decision

Site visit made on 25 July 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/N5090/D/17/3174966

118 Southover, North Finchley, London, N12 7HD

- 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 Neil Shah against the decision of the London Borough of Barnet.
 - The application Ref 16/8108/HSE, dated 21 December 2016, was refused by notice dated 21 February 2017.
 - The development proposed is a garden outbuilding along the garden fence fronting Southover. Clad in timber to street side.
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Decision

1. The appeal is allowed and planning permission is granted for a garden outbuilding along the garden fence fronting Southover. Clad in timber to street side at 118 Southover, North Finchley, London, N12 7HD in accordance with the terms of the application, Ref 16/8108/HSE, dated 21 December 2016, subject to the conditions below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1507-03_pl_000 Rev A, 1507-03_pl_001 Rev A, 1507-03_pl_002 Rev A, 1507-03_pl_003 Rev A, 1507-03_pl_101 Rev A, 1507-03_pl_102 Rev A & 1507-03_pl_103 Rev B.
 3. Details of the external finish to be applied to the outbuilding hereby approved shall be submitted to the Local Planning Authority within 1 month of the grant of this planning permission, for written approval.

The finish shall thereafter be applied in accordance with the materials as approved under this condition, and prior to first occupation or use of the outbuilding.
 4. The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate units or dwelling.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the area.
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Reasons

3. The appeal property comprises a two-storey detached dwelling which occupies a broadly triangular-shaped plot at the very northern end of Southover. The dwelling is set-back from the road frontage by an open-plan garden and is set back at a comparable distance to the adjacent dwellings to the south. The property incorporates private gardens, the boundaries of which are denoted by timber fencing, and which include a section of garden to the side of the property which is set forward of the plane of the front elevation of the dwelling. The timber fence along the boundary fronting Southover is set behind existing tree and shrub planting. Rear gardens of properties on Laurel Way, and an electricity sub-station occupying a small parcel of land, adjoin to the north of the boundary of the appeal site.
4. The proposed development seeks to introduce a substantial outbuilding into the private garden of the appeal property, with the building proposed to be positioned adjacent to the existing boundary fence fronting on to Southover. The building would, by utilising the sloping character of the appeal site, result in the proposed increase in the height of the existing timber fence by between 0.1 – 0.47 metres.
5. In refusing planning permission, I note that the Council has assessed the location of the proposed outbuilding as being set within the front garden of the property, which the Council contends would be contrary to the Barnet Local Plan Supplementary Planning Document: Residential Design Guidance, October 2016 (the Residential Design Guidance). This guidance outlines that detached buildings are not normally acceptable in front gardens because of their dominant impact on the streetscene.
6. I accept that the proposed development would occupy a position forward of the nominal building line established by the plane of the front elevation of the appeal property and its immediate neighbours, and also that there are no other detached buildings observed within the front gardens of other properties on Southover. However, I am satisfied from my observations of the disposition of the appeal site and neighbouring land that the open-plan gardens to the front of the dwellings would accord with a reasonable definition of '*front*' gardens in this instance, with the remaining garden land on the appeal site being more accurately described as '*rear*' or '*side*' gardens. As such, I am not therefore persuaded that the location of the development would be within the front garden as contended by the Council.
7. Turning to the specific impact of the proposals, I accept that the proposed outbuilding would represent a substantial and unusual form of development, albeit that I am satisfied from the submitted evidence that it would relate acceptably to the dwelling and residual garden land. However, whilst I have carefully considered the implication of the proposed increase in the height of the existing boundary fence to ensure that the proposed building is screened from the street, I do not consider that the relatively modest increases would be harmful in the context of the streetscene, with the existing mature planting adjacent to the Southover boundary screening much of the existing fence line. Furthermore, whilst I have had regard to the Council's concern over the loss of the staggered fence-line, I do not regard this feature as representing a particularly prominent or important characteristic within the street scene, and

therefore I am satisfied that its loss would not as a consequence be either visually harmful or would have an adverse effect on the character of the area.

8. The Council has made a brief reference within its submissions to the potential for the development to create an undesirable precedent for similar development in the future. However, being mindful of the reasons set out above, a scheme genuinely comparable with this one would be likely to be acceptable and I envisage that the Council would successfully be able to resist any development which could be shown to be likely to cause demonstrable harm.
9. I have had regard to the appellant's reporting of a possible fallback position related to an alternative form of outbuilding development on the appeal site, which it is indicated could be implemented as permitted development. However, whether there would be a significant probability of the alternative development taking place has not, as a consequence of the reasons set out above, had any significant bearing on my decision-making in respect of this appeal.
10. I am satisfied that the proposals would not result in an adverse effect on the character and appearance of the appeal property and the area. There would not as a consequence be conflict with Policies CS1 and CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document 2012, Policy DM1 of Barnet's Local Plan (Development Management Policies) Development Plan Documents 2012, and the Residential Design Guidance. These policies and guidance seek to advocate the highest standards of urban design, whilst requiring development to be compatible with the character of an area and respect local context, and respect and enhance the gardens of residential properties and the appearance of spaces and streets.

Conditions

11. In addition to the standard conditions related to timeliness and the identification of plans, the Council has suggested a condition requiring the submission of details of the finishes to be used on the outbuilding, which I have clarified as relating to the 'external' part of the building. I consider that this condition would be reasonable and necessary so as to ensure that the development does not result in an adverse impact on the character and appearance of the host building and area. I also accept that a condition seeking to ensure that the use and occupation of the outbuilding would remain ancillary to the existing dwelling would also be reasonable and necessary as a means of ensuring that the development accords with the character of the area.

Conclusion

12. For the reasons given above, and subject to the conditions listed, the appeal is allowed.

M Seaton

INSPECTOR