

Appeal Decision

Site visit made on 11 July 2017

by Martin H Seddon BSc DipTP MPhil MRTPI

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

Decision date: 02 August 2017

Appeal Ref: APP/N5090/D/17/3175560

Hideaway Point, Barnet Lane, Totteridge, London, N20 8AP

- 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 and Mrs Y Gozdanker against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 17/0673/RCU was refused by notice dated 28 March 2017.
 - The development proposed is: garden engineering works with new raised decking area to the rear with associated garden landscaping to front and rear gardens and associated level changes. Proposed installation of additional 1no. rooflight to south roof slope Proposed installation of additional 2no. rooflights to north roof slope. Reinstatement of existing chimney to north roof slope with new GRP chimney to match existing.
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Decision

1. The appeal is allowed and planning permission is granted for garden engineering works with new raised decking area to the rear with associated garden landscaping to front and rear gardens and associated level changes. Proposed installation of additional 1no. rooflight to south roof slope Proposed installation of additional 2no. rooflights to north roof slope. Reinstatement of existing chimney to north roof slope with new GRP chimney to match existing at Hideaway Point, Barnet Lane, London, N20 8AP in accordance with the terms of the application Ref: 17/0673/RCU, dated 3 February 2017, subject to the following conditions:
 1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. Within 3 months of the date of this decision a full specification of all proposed tree planting shall be submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.
 4. If, within a period of five years from the date of planting, the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original

tree unless the local planning authority gives its written consent to any variation.

5. The development hereby permitted shall be carried out in accordance with the following approved plans: 001 location plan; P201 proposed plans and elevations; P301 proposed landscape sections; P301A proposed landscape sections overlaid existing pre-developed landscape sections, SK01 rear garden sketch axonometrics and P101 proposed landscape plan (except insofar as it relates to any additional tree planting).
6. Within 3 months of the date of this decision details of a scheme for planting within and next to the gabion walls shall be submitted to and approved in writing by the local planning authority. The planting shall be carried out in accordance with the approved details.

Preliminary Matter

2. The development subject to this appeal was commenced prior to the application to the Council.

Main Issues

3. The main issues are:
 - the effect of the proposals on the living conditions of neighbours at High Elms in respect of privacy and outlook;
 - the impact on protected trees, and
 - the effect on the character and appearance of the building and Totteridge Conservation Area.

Application for Costs

4. An application for a full award of costs was made by Mr and Mrs Y Gozdanker against the Council of the London Borough of Barnet. This application is the subject of a separate decision.

Reasons

5. Hideaway Point is a two-storey, five-bedroom house with a loft conversion located in a residential area. The appeal building received planning permission in August 2015 (Ref:15/03941/HSE) for a single storey rear and side extension, single storey front extension, a new front entrance, 2 new rear dormers, 2 new roof lights to facilitate a loft conversion, the removal of a chimney and alterations to windows and doors.
6. The Council considers that reinstatement of a chimney to match the siting, size and appearance of the previously removed chimney would have an acceptable impact on the character of the host property and the character of the Conservation Area. I see no reason to disagree.

Effect on Living Conditions

7. The nearest dwelling to the north of the appeal building is High Elms. The Council's objections primarily relate to loss of privacy for the occupants of High Elms resulting from garden level changes and the creation of a large area of raised decking at the rear of the appeal building. The boundary between High

Elms and the appeal site includes close boarded timber fencing, trees and shrubs. Gaps in the vegetation allow limited overlooking of the rear garden and dwelling of High Elms.

8. The rear garden of Hideaway Point slopes down from the house to its rear boundary. The gradient has been changed to create a level area immediately to the rear of the house. This area has formed the basis for construction of decking and a pergola. The area of decking as built currently allows some overlooking of the rear garden of High Elms. The proposal is to remove part of the decking at the rear of the house (and the pergola which is based upon it) and to provide steps to access the lawn between the decking and an established apple tree. The land immediately below the apple tree would also in part be reduced in height with steps provided to access the lower garden area. The removal of this part of the decking, nearest the boundary with High Elms would, in my opinion, prevent overlooking and significantly reduce the potential for harming the living conditions of neighbours through loss of privacy.
9. A terraced lawn beyond the decking is supported by gabion walling. A length of 1.8 metre high painted timber fencing has been erected along the edge of the lawn to reduce inter-visibility between the grassed area and garden of High Elms. Part of this fence would be lowered near the proposed new steps. The gabion walling is partly screened from views from High Elms by boundary vegetation and fencing. The walling would also be lowered near the steps. Despite this I agree with the appellant that the walling would benefit from softening in appearance. However, rather than allowing colonisation by mosses and lichens over time, appropriate planting could include ferns and climbers. This could be secured through the imposition of a planting condition.
10. The presence of an existing apple tree at the lawn indicates that the area subject to changes in level has been restricted to the immediate rear of the house. In my view, the effect of changes in level on the outlook from the garden and facing windows of High Elms and surrounding dwellings is limited because of the boundary fencing, vegetation and new screen fence. The screening effect of the vegetation will be reduced when the deciduous trees and shrubs are not in leaf. Despite this, I consider that the proposals would result in a scheme that would have no significant adverse effect on the living conditions of the occupants of High Elms or other neighbours in respect of privacy and outlook. Subject to the conditions, there would be no conflict with policy DM01 of the Development Management Policies DPD which, amongst other things, indicates that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Effect on protected trees

11. The Council considers that the proposed development could result in the loss of or damage to protected trees. It advises that some trees are within Group G37 of a Tree Preservation Order and that others are protected by virtue of their location within the Conservation Area. The appellants commissioned an Arboriculture Report in 2013. The copy of the report submitted for this appeal includes a schedule listing the trees identified on site at that time and lists 3 to be removed. The appellants claim that there is no evidence that any of the trees listed in that report have been removed. The appellants' application for

costs includes a copy of a letter to the Council dated 17 November 2016 in which the appellants' architect states that "My client is adamant no trees have been removed, only bushes that were noted on the application plans". However, I have no details from the appellants of the location, size or species of these bushes.

12. At the site visit it was evident that a small number of trees or bushes shown on the site block plan and existing (pre-developed) landscape plan (drawing No.EX101) were not shown on the proposed landscape plan (drawing No.P101) and not evident on site. The main area affected was the front garden, where the layout has been altered. I have no detailed information from the Council to confirm which 4 trees or bushes are alleged to have been removed, whether removal of any trees was authorised through any previous permission or when the alleged removal took place. Equally, the appellants have produced no compelling evidence to demonstrate that no trees were removed. On that basis, there is insufficient information for me to concur with the submissions of the appellants or the Council.
13. Some tree planting has been carried out at the front of the building, but is not indicated on the proposed landscape plan. I consider that it would be necessary and reasonable to impose a condition to require details of proposed tree and shrub planting to be submitted. This would allow the Council to assess whether the new planting is suitable and whether any additional planting would be appropriate.

Effect on the character and appearance of the building and Conservation Area

14. The Totteridge Conservation Area includes a number of listed, locally listed, and unlisted "positive" buildings which have been judged to make a positive contribution to the special architectural and historic interest of the area. The area is notable for the cohesiveness of property frontages on the main road, attractive suburban developments and fine views across the rural landscape. It has a linear character, open and rural setting, high quality trees, planting and a mixture of mansion houses in large grounds interspersed with modest cottages. These characteristics provide a high quality environment within which the individual buildings make a special contribution.
15. Approval Ref: 15/03941/HSE included a roof light on the front elevation and one on the southern elevation. The south elevation currently has 2 rooflights there is an additional rooflight on the northern elevation. At the site visit I viewed the roof lights from within the building and was satisfied that they created no significant problems from allowing potential overlooking of neighbouring properties. The Council considers that the rooflights on both sides and the principal (front) roof slope are unduly prominent and uncharacteristic with surrounding development.
16. The Council's *Residential Design Guidance* supplementary planning document advises that roof lights should be carefully positioned in order not to impact detrimentally or disfigure the appearance of a building, particularly where they are not a characteristic feature in the street. On front roof slopes roof lights should not dominate the roof in terms of their number. The roof light on the front elevation of the building is already approved. The additional roof light on the southern elevation and two rooflights on the northern elevation are not prominent in the street scene. Roof lights are characteristic of nearby

properties at White Orchards and occur at the Pastures, opposite the appeal site. I consider that the additional roof lights subject to this appeal are neither obtrusive, nor detrimental to the character and appearance of the building.

17. The Council also considers that the decking (with alterations as proposed) would still be excessive in its depth and height and along with the increased site levels, would have a detrimental impact on the character of the host property and the character of the Totteridge Conservation Area. However, the retained decking and increased ground levels are not readily visible from Barnet Lane and are relatively well screened from surrounding residential properties.
18. Overall, I consider that the proposals, including the additional roof lights, would preserve the character and appearance of the Totteridge Conservation Area. There would be no conflict with Core Strategy policy CS5 which seeks to ensure that development respects the local context and distinctive local character, or with policy DM06 of the Development Management Policies DPD which indicates that proposals must preserve or enhance the character and appearance of Conservation Areas.
19. The proposals would not conflict with Core Strategy policy CS1 which concerns, amongst other things, a high standard of design. It would also fail to conflict with policy DM01 of the Development Management Policies DPD which seeks to preserve or enhance local character.

Conditions

20. I have considered the conditions suggested by the Council. In addition to the standard timescale condition I have included a condition to ensure that any external materials used in the main building match those already existing. I have added conditions to ensure that the Council can require any additional tree planting and replacement planting if any trees fail to survive, to preserve the character and appearance of the Conservation Area. A condition is included requiring planting to soften the appearance of the gabion walling. A condition also lists the approved plans in the interest of certainty.

Conclusion

21. I have taken all other matters raised into account. For the reasons given above the appeal is allowed, subject to conditions.

Martin H Seddon

INSPECTOR