
Appeal Decision

Site visit made on 5 July 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 07 August 2017

Appeal Ref: APP/N5090/W/17/3173286

Land adjacent to the rear of 100 Hodford Road, Golders Green, London NW11 8EG

- 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 Ms Frances Redfarn against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/7419/FUL, dated 16 November 2016, was refused by notice dated 23 January 2017.
 - The development proposed is demolition of existing building and construction of single storey self contained one bedroom flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Reference is made in the appeal documentation to Accommodation Road, described as the service road that the appeal site faces. Accommodation Road is located on Hodford Road's western side, with the appeal site on the eastern side of Hodford Road. For the avoidance of doubt, I shall refer to the road adjacent to the appeal site as the service road.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of future occupiers, with particular reference to light and outlook.

Reasons

Character and Appearance

4. The small and constrained appeal site currently houses a double garage and external space to the frontage. It lies at the end of the rear garden of the flats at 100 Hodford Road, adjacent to other rear gardens and garages and overshadowed by trees and shrubs. The site is accessed via a rear service road which runs between Hodford Road and Rodborough Road, bending as it follows the rear gardens. Hodford Road and Rodborough Road are characterised by large two-storey semi-detached and detached houses.
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5. This cobbled service road lies within the Golders Green Conservation Area, although the appeal site itself is outside the conservation area. Across the service road, the rear elevations of up to four-storey buildings within the shopping parade on Golders Green Road and Finchley Road are cluttered with multiple external flues, air conditioning units and external staircases which provide access to the flats above the shops. The service road between these buildings and the appeal site accommodates numerous wheelie bins and parked cars.
6. Although other residential units face onto the service road, there are no other small residential units on the western side of the service road. I observed on my site visit that the large flatted scheme under construction at Nos 106 – 108 Hodford Road essentially turns its back on the service road at ground floor level, with a long brick wall largely unbroken by windows and doors.
7. The proposed development is a pitched roofed single-storey building of greater height, depth and width than the existing pitched roofed double garage building. The proposed development would be sited with a lesser setback from the service road than the existing building.
8. The proposed development fills the rear portion of the site, abutting its side and rear boundaries. As an ancillary building to No 100, the current garage has an inconspicuous character and appearance. However, its replacement with a larger independent residential unit would appear cramped and uncomfortable within its limited site. The proposed development would not follow the established pattern and rhythm of residential development on this side of the service road. Furthermore, I do not consider that the design of the proposed building would add visual interest to the area.
9. The appellant has provided examples of other residential properties. However, I have very limited information on the planning history of these developments, which do not in themselves reflect the character of the area particularly well. In any case, each application and appeal must be considered on its own merits.
10. The appellant also considers that the proposed development would assist in keeping the area free of litter and would provide natural surveillance. However, no evidence has been provided to support this. In terms of these issues, the energy efficiency of the proposed building, its sustainable location, and the potential provision of a smaller home to meet housing need, I conclude that they do not outweigh the harm caused by the proposed development.
11. Concluding on this main issue, I consider that the proposed development would have a harmful effect on the character and appearance of the area. The proposal is therefore contrary to policy CS5 of Barnet's Local Plan Core Strategy 2012 (BLPCS) and policy DM01 of Barnet's Local Plan Development Management Policies 2012 (BLPDMP) as well as policies 3.8, 7.4 and 7.6 of the London Plan 2016. These policies seek to ensure that development delivers high quality environments, respects local context and distinctive local character. Furthermore, it would conflict with the National Planning Policy Framework (the Framework), which seeks to secure high quality design.
12. The Council has also referred to their Sustainable Design and Construction Supplementary Planning Document (SDCSPD) 2016 in the decision notice. I do not consider the proposal to be in conflict with this SPD in respect of character and appearance.

Living Conditions

13. The proposed flat would comprise a kitchen/living room, 2 bathrooms and a bedroom, with 2 windows to the front, and a further 3 obscure glazed windows to the side and rear elevations. A further window is shown on the angled front elevation on plan H/R/003A, but is not shown as obscure glazed despite serving a bathroom and is not shown on floor plan H/R/001A.
14. As a result of the necessary positioning of the windows to avoid overlooking of neighbouring gardens and lack of privacy for the unit's potential occupiers, the 2 non-obscure glazed windows would face eastwards over the driveway. Both sunlight and daylight to the proposed unit via these windows would be severely compromised by the presence of adjacent large trees to the south and by the presence of up to four-storey buildings within the shopping parade to the east. This lack of both sunlight and daylight would result in a dark and gloomy residential unit, which would not provide satisfactory living conditions for any future occupiers.
15. Addressing the living conditions of future occupiers, the appellant asserts that the windows to the front of the building are ample in dimensions. However, when assessed against requirements set out in Table 2.4 of the Council's SDCSPD, the glazing to each habitable room is considerably less than 20% of the internal floor area of that room.
16. The appellant has confirmed a discrepancy in relation to rooflights shown on the proposed section only on plan H/R/003A. It is not clear from the section whether rooflights would be inserted above the bedroom as well as the kitchen/living area. Even if rooflights were to be inserted above both habitable rooms, their contribution to sunlight and daylight would not improve the outlook for any future occupiers and would still be fettered by existing tree cover and by proximity of the shopping parade.
17. One parking space would be provided on the site's frontage, directly adjacent to the kitchen/living room. The view from the proposed development would be dominated by firstly parking, secondly by the cluttered and heavily parked service road and then by the shopping parade's untidy rear elevations. This would represent a poor and oppressive outlook for the future occupiers of the proposed development.
18. The appellant has proposed that the development could be car-free and that refuse storage can be placed adjacent to the boundary. Neither of these proposed changes would overcome the siting of the proposed development. Furthermore, the appeal process should not be used to evolve a scheme as this could deprive those who should have been consulted on the changed development of the opportunity of such consultation.
19. Concluding on this main issue, I consider that the fenestration and siting of the proposed development would cause harm to the living conditions of future occupiers, with regard to both light and outlook. The proposal is therefore contrary to policies CS1 and CS5 of the BLPCS, policies DM01 and DM02 of the BLPDMP and the Council's Residential Design Guidance 2016 (RDGSPD) and SDCSPD. These policies seek to ensure that development respects local context and distinctive local character, enhances the borough, and protects amenity by requiring compliance with local, London-wide and national standards. Additionally, it would be contrary to the Framework, which seeks to ensure a

good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

20. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Gilbert

INSPECTOR