
Appeal Decision

Site visit made on 25 July 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 07 August 2017

Appeal Ref: APP/N5090/W/17/3175069

91 Cat Hill, Barnet EN4 8HP

- 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 Tim Seechurn against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 17/0784/RCU, dated 9 February 2017, was refused by notice dated 5 April 2017.
 - The development proposed is for outbuildings.
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Decision

1. The appeal is allowed and planning permission is granted for outbuildings at 91 Cat Hill, Barnet EN4 8HP in accordance with the terms of the application, Ref: 17/0784/RCU, dated 9 February 2017, subject to the following condition:
 - 1) The outbuilding hereby approved shall be used solely as ancillary to, and occupied in conjunction with, the main building and shall not be used or let as a separate unit of accommodation.

Procedural Matter

2. At the time of the site visit, the outbuilding had been constructed. On this basis I will therefore deal with the appeal as a retrospective application. The description of the proposed works within the planning application form states 'to retain outbuildings'. However, as 'retention' is not an act of development it is not necessary to refer to this in my formal decision. For clarity I have therefore deleted the word 'retain' from the description of the development.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site is a two-storey property, used as a care home for young adults. The property is situated within a relatively large plot, with ample space for car parking at the front. The land slopes down from the front of the property and as such, the garden area is at a lower level than the main property.
5. The rear garden is of a generous size, with a patio area located close to the rear of the property. Steps and a ramp lead down into the main garden area, with the majority being laid to artificial lawn. Wooden fencing and mature

shrubby acts as a boundary to the neighbouring properties. A low timber partition and trees have been erected in front of the outbuilding. The tree line currently screens the lower section of the outbuilding reasonably well. Once mature, the tree line will offer adequate screening from both the main property and from the first floor windows of the neighbouring properties.

6. There are examples of several outbuildings in the rear gardens of properties in the vicinity of the site. In particular, the outbuilding at 95 Cat Hill has a height, depth and position very similar to that of the main section of the outbuilding which is the subject of this appeal.
7. Guidance contained within the London Borough of Barnet Local Plan Supplementary Planning Document: Residential Design Guidance 2016 (the SPD) confirms that, amongst other things, back garden buildings should not be too large and the design and materials should be in harmony with the surrounding area.
8. The main section of the single storey outbuilding is rendered and finished in a light paint, with a red tiled pitched roof. The 'L' shaped section of the outbuilding, which houses the hot tub and changing facilities, is of a flat roof design and clad in timber boarding. From observations made during the site visit, it is evident that a number of the outbuildings within the locality are also constructed from timber.
9. The use of render and red roof tiles are not a common design feature in relation to rear garden outbuildings. Nevertheless, the use of render is a characteristic feature within the street scene and is not an alien design feature. It is accepted that due to the pitched roof, this section of the outbuilding is slightly higher than the adjacent outbuilding at No 95. However, the difference in height is minimal and is of little significance in visual terms.
10. Although the outbuilding is a single storey design it does have a relatively large footprint. Nevertheless given the positioning, and taking into account the size of the rear garden, the site is capable of accommodating a building of this floor size, without appearing as being excessive in scale. Nor does it appear over-dominant in relation to the main property and surrounding locality and therefore remains a subservient addition.
11. Views of the outbuilding are severely restricted from within the public realm. Due to the topography of the land, and the location at the rear of the garden, no views are possible from Cat Hill. Views from the rear of the site are restricted to users of the allotments located beyond the boundary of the site. It is however noted that the development is visible from the first floor windows of a number of neighbouring properties. Although the existing vegetation does provide some screening of the outbuilding, it is also visible from the rear gardens of Nos 89 and 95. However, given the single storey design, presence of existing outbuildings and domestic paraphernalia, it is not considered that the outbuilding is inimical to the attractive residential environment of the surrounding locality.
12. Consequently, the outbuilding is readily assimilated into the surrounding context and prevailing character and appearance of the area. These considerations lead me to the view that no significant harm in relation to the character or appearance of the main property or the locality occurs as a result of the development. Accordingly, no material conflict arises with the provisions

of Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012, Policy DM01 Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 and guidance within the SPD. When taken together these policies and guidance seek, amongst other things, to ensure that new development respects the local context and character of an area.

Other Matters

13. Various concerns have been raised regarding the impact of the proposal in relation to light pollution, noise, loss of trees and outlook. I do not underestimate the importance of the above matters to those involved. However, there is no substantive evidence which would lead me to conclude the scheme should be resisted on these grounds.

Conditions

14. I have considered the conditions suggested by the Council against the tests of the National Planning Policy Framework and advice provided by the Government's Planning Practice Guidance. As the structure is already in place, a requirement for the scheme to accord with the submitted plans would serve no planning purpose. A condition in relation to the use of the development is required in order to both protect the character of the locality and the living conditions of neighbouring residential occupiers.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

Helen Cassini

INSPECTOR