
Appeal Decision

Site visit made on 18 July 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/N5090/W/17/3174022

80 Golders Manor Drive, Golders Green, London NW11 9HT

- 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 Andrea Clerk against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/7774/FUL, dated 7 December 2016, was refused by notice dated 7 February 2017.
 - The development proposed is demolition of existing buildings and erection of a pair of self-contained habitable units.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant submitted a revised plan¹ following the issuing of the decision notice. This plan shows different sized windows on the front elevations and the insertion of rooflights on the flat roof section of the proposed dwellings and has been referred to in the statements of both the appellant and the Council. I have taken this plan into account in reaching my decision and I consider that there would not be any prejudice to any party in doing so.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area with particular regard to streetscene, and
 - whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to private amenity space, light, outlook, internal living space and privacy.

Reasons

4. The appeal site is located in a residential area comprised mainly of 1930s type semi-detached or detached properties. The appeal site comprises two small buildings which lie next to each other to the rear of gardens on Heathfield Gardens and Western Avenue. One of the buildings has been converted to a small dwelling, the other remains as a garage. The buildings face and are

¹ Drawing 80GMD (03) Rev E 7-04-2017

accessed off Golders Manor Drive and opposite them, on the other side of the road, are two garages facing the street.

5. The proposed development is to demolish the two buildings and erect a pair of small semi-detached dwellings facing the street. The dwellings would be single storey with attic accommodation, and have a pitched roof incorporating a front and rear dormer window in each property. Both dwellings would have a basement. The front of the houses would be close to the pavement behind a fence.
6. The proposed houses would be the only residential properties facing the street between Heathfield Gardens and Western Avenue. This section of the street is characterised by walls and fences of the sides of the rear gardens, the buildings on the appeal site and the garages opposite. One side of the street is set out as metered parking and there are views down the part of Golders Manor Drive on the opposite side of Western Avenue. That part of Golders Manor Drive has houses fronting it and its character is distinct from the section where the appeal site is. The houses in the surrounding streets are mainly relatively large two storey suburban houses set well back from the street.
7. The proposed development, being much lower in height, sitting very tight on its plot, and close to the pavement, would be quite distinct from the character and appearance of surrounding residential properties. It would be in stark contrast to the nature of the housing in the area. I consider that the proposed houses would therefore appear incongruous particularly in this short section of street which does not have any other houses facing it and which has its own character.
8. I accept that one of the appeal buildings has been in use as a residential property and that it has an entrance on to the street with a number and letterbox on the gate. However, both buildings still appear very much as outbuildings and of garages related to the corner houses which they originally served. As such they are part of the character of the street.
9. I therefore consider that the proposed development would be harmful to the character and appearance of the area with regard to street scene. This would be contrary to Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (the DPD), and Policy CS5 of Barnet's Local Plan (Core Strategy) 2012 which both seek to protect Barnet's character and amenity.

Living Conditions

10. There is agreement between the parties that the Gross Internal Area (GIA) of each property above ground is around 50 square metres (sqm). This is around 8 sqm less than the minimum GIA required for a one bedroomed two storey dwelling as defined in both Table 3.3 of the London Plan 2016 and the Technical housing standards - nationally described space standard (the NDSS)². The parties disagree on whether the basement should be included with the calculation of GIA.
11. The basements do not have windows according to the submitted plans and no external light source. With a headroom of around 1.4m they would in any

² Technical housing standards – nationally described space standards

event fall well below, as habitable spaces, the guide figure of 2.5m in Barnet's Sustainable Design and Construction Supplementary Planning Document 2016 (the SPD), which sets out standards for new housing developments. Nevertheless, in accordance with the NDSS the basements as storage areas could make a limited contribution to GIA and therefore I consider that the overall GIA would not be significantly below the 58 sqm required.

12. The ground floor of each of the proposed dwellings comprises of a single room which is described as '*living/kitchen*'. This room and the bedroom would be served by only a single window as shown on the original plan. From my site visit I could see that there was a tall tree in a neighbouring garden directly behind the appeal site, which would present a significant shadow and may restrict the amount of light filtering into the house from the roof light at certain times of the year.
13. The appellant has submitted a revised plan post the issuing of the decision notice. This shows a larger window on the ground floor front elevation and adds a rooflight. The Council in its statement³ considers that these would go some way to addressing the issue of the amount of daylight/sunlight received by the habitable rooms but has not provided any updated calculations of glazing ratios in accordance with the requirements of the SPD. Light would also be provided through the glazed door of each dwelling. On the limited evidence before me, I consider that in combination, the door and the larger window, supplemented by the added rooflight, could mean that it is likely that light levels within the habitable rooms of the dwellings would be acceptable.
14. Outlook from the front windows of the proposed houses would be to the fence which would separate the properties from the pavement. The distance from the window to the fence would only be around 1.2m and this space would also be located next to the area used to house the refuse bins. Although the larger windows would assist with light penetration into the properties they would have the effect of highlighting the outlook to the fence at close quarters. The bin storage areas would be to the side but would still form part of the outlook from the houses given the large windows. I consider that this would represent a poor outlook and have an unacceptable impact on the living conditions of the future occupiers of the properties.
15. The proposed development includes a small amount of external amenity space to the front of each dwelling. However this space would also be used in part for bin storage and would therefore provide around 5sqm per dwelling. This is considerably less than the 40 sqm per dwelling required by the SPD and it is provided to the front of the dwellings rather than the rear as sought by the SPD. The appellant recognises that this standard is not met but has provided evidence of local parks and open spaces which would help in meeting the open space needs of the future occupiers.
16. Whilst it is clear that there are open spaces within a reasonably short walking distance of the site, this does not take away the need to meet the requirements which the occupiers of the dwellings would have for activities such as sitting outside or drying washing. I do not consider that the amount

³ LPA Response to grounds of appeal – para 2.11

of external amenity space proposed, nor its location at the front of the property is acceptable given the provisions of the SPD.

17. The Council considers that the use of one way glass, as suggested by the appellant, would address the issue of privacy of the occupiers of the bedrooms. Should the appeal be allowed, the use, nature and retention of such glass could be controlled through the imposition of a condition.
18. I consider that the proposed development would provide acceptable living conditions in respect of privacy, light and internal living space. However for the reasons above, I consider that it would provide unacceptable living conditions in respect of external amenity space and outlook and therefore fail to provide acceptable living conditions for future occupiers overall, contrary to Policy DM01 parts e and g, of the DPD which seek to ensure that new developments have adequate provision for amenity. It would also be contrary to Policy DM02 of the DPD which sets out amenity standards for new development to meet and also contrary to the SPD. The provisions of the London Plan Housing Supplementary Planning Guidance 2016 referred to me by a third party do not alter my conclusions.

Other matters

19. The appellant has drawn my attention to a newspaper article about a proposal to convert a local office block to flats. I do not have any other details of that scheme provided as evidence but it appears to be of a scale, location, and nature quite different to the current case, which I have determined on its merits on the evidence before me.

Conclusion

20. I recognise that the appellant has attempted address the issues which led to a refusal and dismissal on appeal of a previous scheme for the site by altering the design of the proposal including a revised roof. The proposed development would provide new housing in very close proximity to a tube station and with good transport links and would re-use land that has been previously developed. However, I consider that it would significantly harm the character and appearance of the area and would fail to provide acceptable living conditions overall for future occupiers and this harm outweighs the benefits.
21. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR