



Appeal Decision

Site visit made on 25 July 2017

by R A Exton Dip URP MRTPI

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

Decision date: 22nd August 2017

Appeal Ref: APP/N5090/W/17/3174384

19-22 Parkfield Close, Edgware, HA8 9AJ

- 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 B Avraam against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/6611/FUL, dated 3 November 2016, was refused by notice dated 27 January 2017.
 - The development proposed is described as side extension and roof extension to provide 5 new flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of occupiers of Nos 23 and 24 Parkfield Close.

Reasons

3. The appeal site comprises a 2 storey block of flats and its associated curtilage situated on the northern side of Parkfield Close. The surrounding area is residential in character and contains a number of different types of accommodation. A 3 storey block of flats lies to the east and there is a row of two storey houses to the south. These are separated from the appeal site by publicly accessible roads and open spaces. Most closely related to the appeal site is a pair of semi-detached bungalows at Nos 23 and 24 Parkfield Close. The private gardens of these dwellings are back to back with those of the appeal site.
4. The appeal proposal represents the re-submission of an earlier planning application in an attempt to overcome the reasons for refusal. A number of the Council's concerns with the earlier proposal have been overcome and its reason for refusal of the appeal proposal relates only to the effect on living conditions of the occupiers of Nos 23 and 24.
5. The grassed open area in front of Nos 23 and 24 is not separated from the public realm and so offers no privacy to the occupants. Consequently, the rear gardens provide the occupiers' main private amenity areas. This is reflected in the ornamental planting and domestic paraphernalia within them. Garden areas associated with the appeal site adjoin these gardens and the appellant identifies the wall to wall distance between the appeal site and Nos 23 and 24 as in the region of 23m.

6. The proposal would extend the length of the block of flats by around 4.5m. The total height of the block would be raised by around 1.5m for its entire length, stepping down slightly over the extended part. When viewed from the rear elevations and gardens areas of Nos 23 and 24 this would present as a dominant addition. As the proposal would span the entire width of the rear gardens of Nos 23 and 24 it would form a continuous bank of development at a relatively high level compared to the rear facing rooms and garden areas of Nos 23 and 24. This would appear overbearing and create an unacceptable sense of enclosure to occupiers.
7. At present there is a degree of overlooking from first floor flats within the appeal site to the rear gardens of Nos 23 and 24 giving rise to a reduced level of privacy. This is filtered to an extent by the planting in both sets of gardens. The proposal would create an additional storey with windows and doors to habitable rooms facing Nos 23 and 24. This would introduce a new aspect of overlooking to the rear garden of these dwellings which would result in a reduced level of privacy to that which already exists. Due to the height of the windows in the additional storey existing planting would do little to mitigate this effect.
8. I note that the wall to wall distance between the appeal building and Nos 23 and 24 complies with the suggested minimum of 21m contained within the Residential Design Guidance SPD. This however is a guide figure that must be applied to different situations. It does not take account of factors such as difference in height that are applicable in this case. Achievement of the suggested separation distance does not in itself ensure that there is no overlooking and loss of privacy.
9. In light of the above I conclude that the proposal would have an adverse effect on the living conditions of occupiers of Nos 23 and 24. Consequently it would be contrary to Policies CS1 and CS5 of Barnet's adopted Local Plan (Core Strategy) 2012. These seek to create attractive environments for people to live in and to protect the gardens of residential properties. It would also be contrary to Policy DM01 of Barnet's adopted Local Plan (DM Policies) 2012 which requires development proposals to allow for adequate privacy and outlook for adjoining occupiers.

Other Matters

10. I note the changes that have been made to the proposal since the refusal of the previous planning application in terms of reduction in height, revised bin storage and parking arrangements. I also note the general suitability of the site for further residential development and the proposals compliance with other policies of the development plan. These factors do not however outweigh the harm to living conditions I have identified which justify the refusal of planning permission.

Conclusion.

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

Richard Exton

INSPECTOR