



Appeal Decision

Site visit made on 30 August 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 07 September 2017

Appeal Ref: APP/N5090/W/17/3176667

124 Bulwer Road (Land at rear with frontage onto Warwick Road) New Barnet EN5 5EX

- 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 & Mrs C Poole against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/0026/FUL, dated 3 January 2017, was refused by notice dated 15 March 2017.
 - The development proposed is demolition of existing garage, construction of single storey, two bedroom dwelling with rooms in roof space, and provision of two off-street parking spaces to serve existing and proposed dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage, construction of single storey, two bedroom dwelling with rooms in roof space, and provision of two off-street parking spaces to serve existing and proposed dwelling at 124 Bulwer Road (Land at rear with frontage onto Warwick Road) New Barnet EN5 5EX in accordance with the terms of the application Ref 17/0026/FUL, dated 3 January 2017, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site forms part of the garden of No 124 Bulwer Road (No 124), a dwelling on the corner of Bulwer Road and Warwick Road within a residential area comprising houses and flats of a variety of styles. The buildings in the area are positioned relatively close together, constructed from a variety of materials and have varied roof forms including gables and hips. Thus, I find the area has a compact and varied residential character and appearance.
4. An appeal was allowed in July 2016¹ granting permission for the erection of a one bed dwelling in roughly the same location as the proposed dwelling. There is nothing before me to indicate this would not be built should the appeal fail. I therefore attach significant weight to the approved dwelling as the fall-back position.

¹ Appeal Reference APP/N5090/W/16/3146291

5. I acknowledge that the proposed roof is larger and bulkier than the roof of the dwelling approved in July 2016. Thus, I note the proposed dwelling and its roof would be much more widely visible within the Warwick Road street scene than the dwelling approved in July 2016.
6. However, sufficient space would remain between the appeal proposal and the No 124 for the proposed dwelling not to appear cramped. Although the ridge of the proposed hipped roof is the same height as the proposed pitched roof, the two elements of the proposed dwelling appear well integrated. In my view the varied roof form adds interest to the proposed dwelling and would not appear out of place in the varied street scene where both hipped and pitched roofs are prevalent.
7. For these reasons, I find the proposed development would not harm the character and appearance of the area. It would therefore accord with Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (2012) and Policy DM01 of Barnet's Development Management Policies Development Plan Document (2012) which seek to ensure good design and that new development does not harm the character and appearance of an area. For the same reasons the proposal would accord with the good design aims of the National Planning Policy Framework and Barnet's Residential Design Guidance Supplementary Planning Document (2016).

Conditions

8. The conditions imposed are those which have been suggested by the Council but with some variation in the interests of clarity and precision having regard to the advice on imposing conditions in the Planning Practice Guidance.
9. In addition to the standard timescale condition, I have imposed conditions specifying the relevant drawings as this provides certainty. I have also attached a condition to ensure that the development is carried out in accordance with suitable levels in the interests of appropriate drainage, highways safety and protecting the living conditions of nearby residents.
10. As requested by the Council I have also imposed conditions which require a construction method statement to be submitted and agreed and to ensure construction work only takes place within reasonable hours in order to safeguard nearby residents living conditions. In my view a separate condition requiring construction vehicle wheel washing facilities is not necessary as it would be appropriately covered by the construction method statement.
11. I have also imposed conditions requiring finishing materials, enclosure and bin storage areas to be agreed in the interests of safeguarding the character and appearance of the area. Furthermore, in the interest of highway safety and sustainable transport, conditions requiring the parking areas and cycle storage areas to be laid out before occupation and retained are also necessary.
12. Conditions are also necessary to ensure the proposed dwelling is and remains accessible, water efficient and incorporates carbon reduction measures in order to meet the requirements of the London Plan² and the Mayor of London's Housing Supplementary Planning Guidance (2016) where they exceed the minimum standards set out in the Building Regulations.

² The London Plan: The Spatial Development Strategy For London Consolidated with Alterations Since 2011 (2016)

Conclusion

13. For the reasons given above the proposal would accord with the development plan and thus having had regard to all other matters raised I conclude that the appeal should be allowed.

L Fleming

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing No 837 H01 C, Drawing 915065, Design and Access Statement and Sustainability Statement.
- 3) No development shall take place until the following information has been submitted to and approved in writing by the local planning authority:
 - i) full details of the proposed finished floor levels of all buildings and hard landscaped surfaces in relation to the adjoining land and highways, and
 - ii) any other changes proposed in the levels of the site.

The development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a construction method statement has been submitted to, and approved in writing by the local planning authority. The statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - vii) delivery, demolition and construction working hours.

The approved construction method statement shall be adhered to throughout the construction period for the development.
- 5) Demolition or construction works shall take place only between 0800 and 18.00 on Monday to Friday, 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved have been submitted to and approved in writing by the local planning authority, and the development shall thereafter be implemented in accordance with the details as approved under this condition
- 7) No development other than demolition shall take place until details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, have been submitted to and approved in writing by the local planning authority. The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development

shall be managed in accordance with the information approved under this condition once occupation of the site has commenced.

- 8) Notwithstanding the details submitted with the application no development other than demolition shall take place until details of parking spaces have been submitted to and approved in writing by the local planning authority, and the development shall not be occupied until those spaces have been laid out within the site in accordance with the approved information, and those spaces shall thereafter be kept available at all times for the parking of vehicles.
- 9) The dwelling shall not be occupied until the cycle parking is implemented in accordance with the details shown on the approved plan and it shall be retained as such thereafter.
- 10) Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
- 11) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.
- 12) Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

END OF SCHEDULE