



Appeal Decision

Site visit made on 5 October 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 19 October 2017

Appeal Ref: APP/N5090/W/17/3179837

42 Mansfield Avenue, East Barnet, Barnet EN4 8QE

- 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 Mohammad Mehdi Kashef Mobarekeh against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/1514/FUL, dated 9 March 2017, was refused by notice dated 26 May 2017
 - The development proposed is described as the 'demolition of existing garage. Develop the site to create a new residential dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area and b) the living conditions of future occupiers with specific regard to the provision of private garden space, light into and outlook from habitable room windows.

Reasons

Character and Appearance

3. The appeal site is the rear garden to Number 42 Mansfield Road. The plot comprises a semi-detached bungalow set back from and facing the road to the north west. It is slightly elevated, at the corner of Mansfield Road and Vernon Crescent. The garden stretches rearwards in a linear rectangular shape with the existing garage located at the far south eastern end. Access to the garage, and the proposed dwelling, would be via Vernon Crescent.
4. Whilst exact plot sizes vary in the street scene, which is a combination of single and two storey dwellings, they are largely linear, parallel and rectangular in their arrangement, open and undeveloped garnering a sense of spaciousness. Principle buildings are generally set towards the front of the plot, facing the street frontage.
5. The proposed dwelling would be sat to the rear of what would be contextually small plot which would be at right angles to the remainder. Including the subterranean section, the proposed development would all but fill its plot. This would result in a cramped form of development. In addition, the scheme would

introduce a form and tier of development (backland) in an area where there are no other clear examples. As a modern design approach conceived around the spatial constraints of the site the dwelling is well thought out. It would provide for a sufficiently sized house. I also accept that the use of single storey design, the semi secluded nature of the garden courtesy of mature landscaping and the security of appropriate boundary treatment through the scheme would all combine to limit the visual effect of the appeal scheme overall.

6. However, this would not be sufficient to justify it, with particular regard to the harm it would cause to the character of the area, for the above reasons. This harm that would result in conflict with Policy 7.4 of the London Plan 2016, Policy DM01 of the Local Plan¹, Policy CS5 of the Core Strategy² and the advice contained in the Local Plan SPD³. These Policies, amongst other things and along with section 7 of the Framework⁴, seek to ensure that new development is of a high quality and contextually appropriate design and appearance that respects distinctive local character.

Living Conditions

7. The appeal scheme would provide an area of usable private space outside of the dwelling. This would be via a sunken courtyard, accessible from the subterranean parts of the dwelling. Namely the living area and one of the bedrooms. There would be some additional space around the above ground section but this would predominantly be for the purposes of circulation and maintenance.
8. The amount of space provided would be small in the wider context but sufficient in quantity terms. In my view however its quality would be unacceptably poor. Owing mainly to it being below ground level. Users would feel closed in and restricted as they would be in close proximity to the high sided retaining walls and those of the building itself.
9. As a two bedroom dwelling with open plan living spaces, a dining area and large kitchen, the dwelling has been clearly designed with multiple occupants in mind. The expectation is therefore that garden space of a reasonable standard should be provided and the scheme finds itself noticeably wanting in that respect.
10. With regard to light, the below ground section of the dwelling would have vertical windows serving the living space and the bedroom only. Whilst this may be sufficient for these spaces, the kitchen and some of the dining area would struggle for natural light. Notwithstanding this, the total amount coming into any vertical windows would be further constrained by their proximity to aforementioned high sided retaining walls. This proximity would also unacceptably constrain the outlook from below ground windows since the only view they would have would be of a retaining wall. Such an outlook would be oppressive and enclosing.
11. With these factors in mind, I can only conclude that the proposed development would be harmful to the living conditions of future occupiers, such that would bring the scheme into conflict with Policies DM01 and DM02 of the Local Plan

¹ Barnet's Local Plan (Development Management Policies) Development Plan Document 2012

² Barnet's Local Plan (Core Strategy) Development Plan Document 2012

³ Local Plan Supplementary Planning Document: Residential Design Guidance 2016

⁴ The National Planning Policy Framework 2012

and the guidance of the Sustainable Design and Construction SPD⁵. These Policies and guidance, amongst other things and along with one of the core principles of the Framework, seek to ensure that new development provides a good standard of amenity for existing and future occupiers of land and buildings.

Other Matters

12. The appeal scheme, in above ground appearance terms at least, seeks to emulate the existing situation on site. I.e. that of a single detached outbuilding at the foot of the existing garden. Whilst it would achieve this objective to a point, the proposed dwelling would be noticeably larger and function as an independent rather than ancillary building in the way it would be occupied, accessed and demarcated from the existing dwelling in its own enclosed plot. This factor does not therefore persuade me to allow the appeal, particularly in light of the harm that I have found.
13. I agree with the appellant that the existing garage is not of particular merit in architectural terms. I also agree that the proposed building, when compared with it, is more aesthetically pleasing. Be this as it may, this would not override the harm that a dwelling of the type and in the location proposed would cause.

Conclusion

14. For the above reasons and having regard to all other matters raised, I dismiss the appeal.

John Morrison

INSPECTOR

⁵ Local Plan Supplementary Planning Document: Sustainable Design and Construction 2016