
Appeal Decision

Site visit made on 23 October 2017

by S Jones MA DipLP

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

Decision date: 20th December 2017

Appeal Ref: APP/N5090/W/17/3180341
86-88 Bunns Lane, London NW7 2DR

- 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 Kroum Kakalov representing K K Homes Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/0509/FUL, dated 26 January 2017, was refused by notice dated 10 March 2017.
 - The development proposed is redevelopment of site to provide 9 flats (3 x 1 bed, 4 x 2 bed & 2 x 3 bed) with accommodation at ground floor, first floor and within the roof-space; car parking; cycle parking and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development :
 - on the character and appearance of the surrounding area;
 - on the living conditions of 90 Bunns Lane with particular regard to overbearing and outlook; and
 - on the living conditions of future occupiers of the development with regard to amenity space.

Procedural Matter

3. One of the Councils reasons for refusal related to ecology and in particular the potential effect of the development on bats, a protected species. However, following the submission of emergence surveys by the appellant, the Council have conceded this reason for refusal. I agree that the evidence shows that the proposal would not cause harm to bats.

Reasons

Character and Appearance

4. The appeal site comprises a pair of suburban semi-detached interwar style houses in a row of similar dwellings in a predominantly residential area. The existing buildings would be demolished and replaced with 9 flats. The site is prominent, set above the highway on rising ground. Newer dwellings on the

opposite side of the road are at a notably lower level than on the appeal site side. The site is roughly triangular so that the gardens narrow towards the back. It is located on a corner constrained between woodland at the back, the adjacent properties and the A1 motorway flyover.

5. The proposed development would occupy the majority of the triangular site and significantly increase the building footprint. It would come forward of the existing buildings, have a differently designed larger roof and extend considerably more to the sides and rear. This would introduce a dominant, bulky form much wider and deeper than the existing dwellings. It would be out of size and scale with the other dwellings and would not sit well in the surroundings. The contrast with buildings opposite would be all the more marked because of the height differences due to the sloping gradient.
6. Furthermore, the intensive development of the site as a whole would mean that the majority of the frontage would be hardsurfaced or open to accommodate car parking and manoeuvring, and this would not reflect the generally softer more spacious landscaping at the other interwar dwellings and in the area generally. Consequently for these reasons the development would be considerably harmful to the character and appearance of the surrounding area. It would therefore conflict with Policy CS5 of the London Borough of Barnet Local Plan Core Strategy, Policy DM01 of the London Borough of Barnet Local Plan Development Management Policies Development Plan Document and the corresponding Residential Design Guidance Supplementary Planning Document and London Plan Policies 3.5, 7.4 and 7.6, which seek amongst other things to ensure high quality development that reflects its surroundings.

Living Conditions of No 90

7. At present there is only a single storey detached garage along this boundary. The bulk of the development would be angled closer towards No 90 at the front, and would narrow the gap separating the properties along most of the boundary. Together with the deep side gables extending both farther out to the side and farther out behind than at present this would result in No 90 looking towards a long high expanse of two storey flank wall plus the pitched roof. This would result in a poor outlook. The main bulk of the new building would dominate and overbear No 90 along this boundary and consequently would have an unacceptable effect on living conditions to No 90. Therefore I conclude that it would conflict with Policy CS5 of the London Borough of Barnet Local Plan Core Strategy and Policy DM01 of the London Borough of Barnet Local Plan Development Management Policies Development Plan Document with regard to protecting the living conditions of residents.

Amenity Space

8. The majority of the site to the front would be occupied by car parking and car manoeuvring space. Drawing PL-100 also shows a disabled access lift. To the rear, there would be two private outdoor spaces to Flat 2 and Flat 3, and the cycle parking area. Any remaining space around the building would be shared by the other 7 flats. Given that these flats would include family sized flats and at a conservative estimate based on the plans a potential total of 16 people, there would not be adequate space provided to satisfy the needs of the occupants or the requirements of the Council in respect of each flat.

9. Furthermore, much of the remaining space would be either narrowly constrained between the other aspects of the development or on narrowing ground to the rear. Therefore such space would also be unacceptable in terms of providing quality private amenity space suitable for all the future occupiers. Consequently there would not be adequate amenity space provision overall for the requirements of future residents. This would conflict with Policies DM01 and DM02 of the London Borough of Barnet Local Plan Development Management Policies Development Plan Document and London Plan Policy 3.5 with regard to protecting the living conditions of residents.

Conclusion

10. There would be harm to the character and appearance of the area, to the living conditions of No 90 and to the living conditions of future residents and there are no other matters which outweigh the harm identified above. For the reasons given above I conclude that the appeal should be dismissed.

S Jones

INSPECTOR