



Appeal Decision

Site visit made on 28 November 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 21st December 2017

Appeal Ref: APP/N5090/W/17/3181347

77 Devonshire Road, Mill Hill, London NW7 1DR

- 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 Kenton of Avansis Developments Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 17/1375/FUL, dated 2 March 2017, was refused by notice dated 15 May 2017.
 - The development proposed is the demolition of 2 bungalows on site of 77 and 79 Devonshire Road and construct 4 terraced single family dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of 2 bungalows on site of 77 and 79 Devonshire Road and construct 4 terraced single family dwellings at 77 Devonshire Road, Mill Hill, London NW7 1DR in accordance with the terms of the application, Ref: 17/1375/FUL, dated 15 May 2017, subject to the conditions in the Annexe to this decision.

Application for costs

2. An application for costs was made by Mr Kenton of Avansis Developments Ltd against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Main Issue

3. The main issue of the appeal is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site consists of two detached bungalows on the southern side of Devonshire Road. Although the plot size of 77 Devonshire Road is larger than that of 79 Devonshire Road, both dwellings are nevertheless set in good sized plots.
5. The two bungalows are atypical in terms of housing design in the area. There are some short terraces of dwellings within the locality, although most of the dwellings surrounding the appeal site are of a 2-storey semi-detached design. The majority are set back from the highway and have generous front gardens, which some occupiers utilise for car parking. From observations made during the site visit, many of the surrounding dwellings also have generously sized

- rear gardens. Most dwellings also have lateral gaps between their side elevations and site boundaries in excess of 1 metre.
6. The planning history of the site is noted. In particular that the site has been the subject of a previous refusal for planning permission¹ for a similar scheme and a subsequent dismissal at appeal². It is acknowledged that the appellant has aimed to overcome the issues identified with the 2013 scheme by making a number of amendments to the proposal before me.
 7. The proposal would involve the demolition of the existing two bungalows and the construction of a terrace of 4 dwellings. The dwellings would be of a 2-storey design, with off street car parking and outdoor amenity areas at the front and the rear.
 8. The proposed plot width of the dwellings would be of a similar scale to the neighbouring semi-detached dwellings. Furthermore, with regard to the proposed depth of the dwellings, the single storey rear projection which was proposed for No 75 in the 2013 scheme has been removed. The overall depth of the other 3 dwellings has also been reduced.
 9. In terms of height, it is noted that the previous Inspector raised concern in terms of the proposed ridge height. The appellant has removed the accommodation originally proposed within the roof space of each of the dwellings. The proposed ridge line of the dwellings would now be of a similar height to the adjacent dwellings at Nos 73 and 81. As the rearward projection has been reduced, the dwellings would no longer extend beyond the building line of neighbouring dwellings. The proposal would therefore generally follow the established front and rear building lines of the adjacent dwellings.
 10. The Council raised concern in relation to the spacing of the proposed plots. It is accepted that even though the depth has been reduced, the rear outdoor amenity space would be smaller than most of the surrounding dwellings. Despite this, the space would be capable of functioning as an adequate rear outdoor amenity space. In addition, the end terraces at Nos 75 and 79A would have lateral gaps of approximately 1 metre between their side elevations and site boundaries, which is consistent with surrounding dwellings. As such, the proposed spacing and level of rear outdoor amenity space does not result in a level of harm which warrants the refusal of planning permission.
 11. It is therefore considered that the proposal would represent an appropriately scaled development and would not appear cramped or overly dominant within the street scene. Consequently, I am satisfied that the proposal would not result in an adverse effect on the character and appearance of the area. It therefore follows that there would be no conflict with Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Documents 2012. Policy DM01, amongst other things, seeks to ensure development is of a high quality design and preserves local character.

Conditions

12. The Council's suggested conditions have been considered against the tests set out within Paragraph 206 of the National Planning Policy Framework and advice contained within the Planning Practice Guidance (PPG). The majority have been

¹ Council reference H/00126/13

² Appeal reference APP/N5090/A/13/2202693

found to be reasonable and necessary in the circumstances of this case. However some amendments to the wording of the proposed conditions have been necessary in the interest of clarity and precision.

13. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans in order to provide certainty.
14. Details of proposed levels are necessary to safeguard the general character and appearance of the area. The approval of details of materials is necessary in the interests of the character and appearance of the area. Landscaping, enclosure, use of roof area, and recycling conditions are necessary in order to safeguard both the character of the area and neighbouring occupiers living conditions. The approval of a Demolition and Construction Method Statement is necessary in order to safeguard surrounding environmental and highway conditions during construction works.
15. Conditions related to accessibility and adaptability, the provision of water saving and carbon dioxide emission reduction measures are necessary in the interests of meeting the needs of future occupiers, and ensuring the development is sustainable.
16. Condition 5 is specified as a pre-commencement which is justified as it covers fundamental aspects of the scheme which require consideration and control before the commencement of development.
17. Permitted development rights have not been excluded as suggested by the Council, as there does not appear to be any exceptional circumstances for such an approach as is required by the PPG.

Conclusion

18. For the above reasons it is therefore concluded that, subject to conditions, the appeal should be allowed.

Helen Cassini

INSPECTOR

Annexe

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: Site Plan 1: 1250; Site Plan 1:2500; Existing Site/Block Plan Dwg No. KEN.OCT.16A; Existing No.77 Dwg No. KEN.Oct.16B; Existing No. 79 Dwg No. KEN.OCT.16B; Proposed Site/Block Plan Dwg No .KEN.OCT.16C; Proposed Ground Floor Plan Dwg No. KEN.OCT.16C; Proposed First Floor Plan Dwg No. KEN.OCT.16B; Proposed Elevations Dwg No. KEN.OCT.16C.
- 3) No development shall take place until details of the levels of the development hereby approved, in relation to the adjoining land and highway, and any other changes proposed in the levels of the site has been submitted to and approved in writing by the local planning authority.
- 4) No development, other than demolition and ground works, shall take place until a schedule of materials and finishes to be used in the construction of the external surfaces of the development hereby approved has been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out only in accordance with the details so approved. The development shall thereafter be retained in the approved form.
- 5) No development shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) access to the site;
 - ii) the parking of site operatives and visitors vehicles;
 - iii) hours of construction, including deliveries, loading and unloading of plant and materials;
 - iv) the storage of plant and materials used in the construction of the development;
 - v) the erection of any means of temporary enclosure or security hoarding;
 - vi) measures to prevent mud or debris being carried on to the public highway; and
 - vii) ways to minimise pollution.
- 6) The development hereby approved shall not be occupied until details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins, or other refuse storage containers where applicable, together with a satisfactory point of collection has been submitted to and approved in writing by the local planning authority. The details approved shall thereafter be retained.

- 7) No development, other than demolition and ground works, shall take place until a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the local planning authority.
- All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- Any existing tree shown to be retained, or trees or shrubs to be planted as part of the approved landscaping scheme, which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 8) The development hereby approved shall not be occupied until details of the means of enclosure, including boundary treatments, has been submitted to and approved in writing by the local planning authority. The boundary treatments shall thereafter be retained in the approved form.
- 9) The roof of the rear projections hereby approved shall only be used in connection with the repair and maintenance of the dwellings and shall at no time be converted to or used as a balcony, roof garden or similar amenity area.
- 10) The development hereby approved shall not be occupied until the approved dwellings 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. 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 110 litres of water is consumed per person per day, with a fittings based approach to be used to determine the water consumption of the approved development. The development shall subsequently be retained as such thereafter.
- 11) Notwithstanding the submitted details, the development hereby approved shall not be occupied until the dwellings have all been constructed to 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 subsequently be retained as such thereafter.
- 12) The development hereby approved shall not be occupied until the dwellings have been constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% 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 subsequently be retained as such thereafter.

End of Schedule