



Appeal Decision

Site visit made on 12 December 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 08 January 2018

Appeal Ref: APP/N5090/W/17/3181322

Land adjacent to No 23 Hampden Road, Muswell Hill, London N10 2HP

- 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 Mrs Carolyn Thompson against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/0562/FUL, dated 31 January 2017, was refused by notice dated 31 May 2017.
 - The development proposed was originally described as *demolition of existing buildings and the erection of a single storey 1 bedroom dwelling. Change of use from Builder's yard to residential.*
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of adjacent dwellings with particular reference to any effects on outlook, light, privacy and /or sense of enclosure.

Reasons

Character and appearance

3. The appeal site is situated between 23 Hampden Road, a locally listed end of terrace dwelling and the rear gardens of a number of properties on Pembroke Road. The site is narrow and deep and has been in use as a builders yard. I saw at my site visit that the site contains several buildings and structures and is enclosed by boundary fences. The appeal site is visible in the street scene as a gap between No 23 and the garage of 27 Pembroke Road, with the frontage marked by the end wall of a timber lean-to building and a gate. Whilst there is some variety in the design of dwellings in this predominantly residential area, I saw at my site visit that buildings in the area are typically two or three stories in scale and are laid out with some regularity.
4. The appeal scheme involves the demolition of the existing buildings and the erection of a single storey dwelling. The proposed dwelling would have a pitched roof with an offset ridge and would occupy the full width of the narrow appeal site. It would be partially set into the ground and its ridge height would

be below the eaves height of the garage of no 27. The front of the proposed dwelling would be set back behind a parking area.

5. I have had regard to the planning history of the site including the appeal decisions provided and that the appellant has proposed a dwelling of a smaller scale to those considered previously¹. However, despite being smaller in scale and partially set into the ground, the layout of the dwelling proposed is not that dissimilar to those considered before and despite its reduced height, would be seen in the streetscene and from neighbouring properties. I find that the proposed dwelling, in occupying the full width of the site, would appear cramped and awkward in the context of the dimensions of the site and the scale, pattern and layout of surrounding development and consequently do not reach a different conclusion in this regard to the previous Inspectors. Furthermore, given the relatively low height of the proposed dwelling in relation to neighbouring dwellings, it would appear incongruous within the street scene.
6. I have had regard to the proposed materials, the current appearance and condition of the appeal site and the volume of building proposed compared to that existing. I have also had regard to the design policies of the National Planning Policy Framework (the Framework) cited and that infill developments are common in London, but I have not been provided with details of any specific schemes. However, these matters do not lead me to a different conclusion in respect of character and appearance.
7. The proposed dwelling would give rise to unacceptable harm to the character and appearance of the area. The appeal proposal conflicts with Policy DM01 of Barnet's Local Plan Development Management Policies (DMD) Development Plan Document which is concerned with protecting Barnet's character and amenity and includes amongst other things that proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. It also conflicts with Policy CS1 of Barnet's Local Plan Core Strategy (CS) Development Plan Document which includes amongst other things that the Council will seek the highest standards of urban design. The appeal scheme also conflicts with the Council's Local Plan Supplementary Planning Document Residential Design Guidance (SPD), which amongst other things includes guidance regarding enhancing local character.

Living conditions

8. The proposed dwelling would occupy the full width of the appeal site between 23 Hampden Road and the rear of the gardens of several dwellings on Pembroke Road. Whilst there is some disagreement between the appellant and interested parties as to the extent of the proposed dwelling which would be visible above the existing boundary treatments, I am clear following my site visit that its roof and rooflights and some areas of external walls would be visible from adjacent properties.
9. During my site visit, I viewed the appeal site from a number of neighbouring dwellings. I saw that 25 Pembroke Road has a modest rear garden which is enclosed by a timber fence. The proposed dwelling would span the width of the garden with the submitted plans indicating that it would have a maximum

¹ APP/N5090/A/12/2171365, APP/N5090/A/14/2211823

height of about 2.75 metres to the ridge, with eaves of about 2 metres above neighbouring ground levels. Whilst this would increase the sense of enclosure and change the outlook, I do not find that this would be unacceptable nor give rise to any overbearing effects for the occupiers of No 25 given the eaves and ridge heights proposed. Similarly I also viewed the appeal site from the garden of 21 Pembroke Road. The proposed dwelling would only span part of the width of the garden and would not be unacceptable in terms of loss of outlook or give rise to any overbearing effects for the occupiers of No 21.

10. In addition, I also viewed the appeal site from the garden of No 23 Hampden Road. Due to falling levels, the proposed dwelling would be increasingly visible along a significant portion of the garden boundary. Whilst this would increase the sense of enclosure experienced by the occupiers of No 23, I do not find this unacceptable due to the height of the proposed dwelling.
11. The proposed dwelling would have two roof windows. The largest of which the submitted plans indicate would primarily serve a corridor and would be within the roof slope facing Pembroke Road. Whilst I am concerned that there would be intervisibility between the rear bedroom of No 25 and the proposed roof window, were I minded to allow the appeal, I could impose a planning condition to ensure that the roof window was obscure glazed and non-opening to safeguard privacy of existing and future occupiers. On the balance of evidence I am not convinced that light from the roof windows would give rise to unacceptable harm to the living conditions of neighbours. The roof window facing the garden of 23 Hampden Road could be similarly treated to safeguard privacy.
12. I have also had regard to any shadowing effects which may arise from the appeal scheme. I find that given its overall height and length in relation to the site boundary treatments, any such increase in shadowing which may occur would not be significant and would not be unacceptable. Furthermore, I am not convinced on the balance of evidence that the proposed dwelling would give rise to unacceptable noise and disturbance to the occupiers of neighbouring dwellings.
13. To conclude on this issue, the appeal scheme would not give rise to unacceptable effects to the living conditions of occupiers of adjacent dwellings and does not conflict therefore in respect of this matter with DMD Policy DM01, CS Policy CS1 or the SPD. However, this does not outweigh my findings in respect of character and appearance.

Other matters

14. I have had regard to the comments that the appeal site is previously developed and in respect of the principle of development. I note that the room sizes proposed meet with the required standards and that there would be adequate provision of garden space. I have also taken into account the measures proposed in regards to sustainable construction and have had regard to the references to policies of the Framework, the London Plan and the Mayor of London's Housing SPG, and the need for housing in Barnet and across London. However, the provision of one dwelling is a small contribution to the supply of housing and does not outweigh the harm found. In regards to paragraph 203 of the Framework, I do not consider that the proposed development could be made acceptable through the imposition of planning conditions.

Conclusions

15. I find the appeal scheme to be unacceptable in terms of its effect upon the character and appearance of the area and to conflict with relevant development plan policies. It is not therefore a sustainable development for which the Framework has a presumption. For the reasons above and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR