



Appeal Decision

Site visit made on 4 June 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/N5090/W/19/3225859

26 Sandwell Court, Beechcroft Avenue, Golders Green, London NW11 8BL

- 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 A Levy against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/5869/FUL dated 1 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is replacement of unauthorised bin store with new bin store of reduced size and height.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A bin store was approved (hereafter referred to as the 'approved' bin store) as part of an application¹ submitted to discharge various conditions pursuant to planning permission² for the erection of the block of flats, namely the appeal property. Plans of the approved bin store are submitted in Appendix 6 of the appellant's statement and show a flat roofed rectangular structure approximately 1.96m tall and 1.2m wide and projecting forward of the building by more than 6m. The Council and appellant state the projection to be 6m and 6.53m in their statements respectively. It would be set away from the boundary with No.24 Beechcroft Avenue by a ramped footpath, over which four sets of double timber doors and a single door would open giving access to the various communal refuse and recycling bins inside. The appellant also includes a computer generated image that shows a brick wall would be built along the party boundary of a similar height to the approved bin store. The elevation facing the front garden of the appeal property would be white render. The appellant refers to the approved bin store as the 'fallback' position and considers that the Council has not given it sufficient weight in the determination of the replacement bin store, the subject of this appeal. I have no reason to believe that the approved bin store could not be carried out or that no realistic fallback exists. Therefore, it is a material consideration in my decision.
3. The bin store that has been erected on site, and which I saw on my visit, (hereafter referred to as the 'existing' bin store) is not the approved bin store. It is a flat roofed structure projecting out some 6.5m, but is wider and

¹ LPA ref: F/05723/14

² LPA ref: F/02068/14

approximately 0.5m taller. It has also been re-orientated so that its flank elevation is now a brick wall on the party boundary with No.24. The path is now between the bin store and front garden and there are large black metal doors that face and open towards the street. The elevation facing the garden of the appeal property is faced with timber-effect cladding. This building is the subject of existing enforcement proceedings following the dismissal of an enforcement appeal³ for the erection of the existing bin store without planning permission. The enforcement notice, in brief, requires the existing bin store to be demolished.

4. This appeal relates to a proposed replacement bin store that would be smaller than the existing bin store, but larger than the approved scheme. The proposed bin store would still be a flat roofed rectangular structure and would project out circa 6.3m, similar to the approved bin store. However, it would be set back from the pavement behind a dwarf wall and railings that would be built as a continuation of the existing boundary frontage treatment. On the end blank elevation facing the street an imitation ivy screen would be installed. The bin store would be approximately 0.09m taller and 0.3m wider than the approved bin store. It would be sited similarly to the existing bin store with its southern flank wall on the party boundary with No.24, but designed with its lower half as brick and top half as Cedar timber-effect cladding. The elevation facing into the front garden of the appeal property would present 4 sets of double doors in dark coloured Cedar timber-effect cladding doors, that would give access to the bins inside. The structure would be finished with timber fascia boarding instead of metal.
5. In his Statement and Appendix 7 the appellant has provided some computer generated images for comparison of the fallback scheme, the existing bin store that has been erected and the proposed scheme.

Main Issue

6. The main issue is the effect of the proposed bin store on the character and appearance of the area.

Reasons

7. The appeal property is a modern block of 9 flats with underground parking. It is located in a predominantly residential area. Beechcroft Avenue has a mixture of house types and designs including semi-detached and detached dwellings, flat conversions and purpose built blocks of flats. The appeal property is set back from the road, like many others in the street, with a landscaped frontage. There is a mixture of boundary treatments, including fencing around a property diagonally opposite, but hedging and brick walls prevail. Along the frontage is a dwarf brick wall with brick piers and intervening metal railings.
8. The Council has objected to the size, design and siting of the proposed bin store. However, by approving the fallback position the Council has already accepted the principle of a substantial flat roof structure projecting forward of, and perpendicular to, the property for use as a bin store.
9. The proposed bin store would be over 2m in height. I accept that under permitted development a 2m high boundary treatment could be erected. Whilst on its own this increase may not therefore be significant, but when taken in

³ Appeal ref: APP/N5090/C/17/3183477 dismissed 5 July 2018

conjunction with the increased width this would result in a more substantial, bigger and bulkier structure in close proximity to the pavement. As a result, the proposed bin store would be an unduly prominent feature in the street scene.

10. The appellant claims the increase in height would allow the bin lids to be opened a little more, but still not completely, making access easier. Whilst this may be the case, I have not been presented with any substantive evidence to indicate that the increase in height is necessary rather than preferable. The Council advise that the approved 1.9m height is the recommended height and that elsewhere other such structures of the same height have not hampered functionality. Nor have I been presented with evidence that the approved bin store falls short of the advice in the Council's Residential Design Guide Supplementary Planning Document 2016 (SPD) or the Sustainable Design and Construction SPD 2016 the appellant refers to.
11. I acknowledge that a wider bin store may make manoeuvring the heavy bins easier, but as above, there is no substantive evidence to justify this is a necessity. I agree that general accessibility and functionality of the bin store would be improved due to re-orientation of the proposed bin store so that the doors would open facing towards the front garden of the appeal property, rather than to the enclosed ramp alongside the boundary with No.24. I am therefore not persuaded that the structure needs to also be raised in height and extended in width.
12. The re-orientation would be an improvement on the approved scheme as it would reduce the potential for noise and disturbance to occupiers of No.24, as doors to the bins would no longer open towards the property. This was acknowledged by the enforcement Inspector when comparing the existing and approved bin stores. However, this benefit does not outweigh the harm I have identified arising from the enlarged structure.
13. The proposed bin store would present a half timber-effect and half brick elevation to No.24, instead of the approved simple brick elevation, and which is on site now. The mix of materials would introduce a visually disruptive feature in the street scene and draw attention to the already prominent projecting structure. I note the enforcement Inspector also had no issue with the brick elevation of the existing bin store.
14. When viewed from the junction of Beechcroft Avenue and Ravenscroft Avenue, the timber effect doors would not be dissimilar to timber fencing, of which there are some examples in the street. I note the enforcement Inspector referred to this and also had no issue with the approved white render, as that would be read in conjunction with No.24.
15. The proposed bin store would be set back from the pavement behind the dwarf wall and railings that would be erected. This setback, coupled with the continuation of the front treatment and a brick elevation, would help reinforce the enclosure of front gardens. However, the small distance between the end of bin store and new dwarf wall would be unlikely to allow any meaningful landscaping to survive. In recognition of this the appellant would erect an imitation ivy screen over this blank elevation. Whilst it may not need day-to-day maintenance and would help soften the appearance of the structure to some degree, its artificial nature in close proximity to the pavement and

scrutiny from passers-by would be a contrived and inappropriate attempt to screen and landscape the structure.

16. In conclusion, I find the proposed taller and wider structure, together with the half timber-effect and half brick southern elevation, and imitation ivy screen would have a harmful effect on the character and appearance of the street scene, more so than the approved bin store. It would be contrary to Policy CS5 of the Barnet Core Strategy (2012), Policy DM01 of the Barnet Development Management Policies document (2012) and Policy 7.6 of the London Plan (2016), which collectively seek to ensure that development positively contributes to the streetscape, respects local context and preserves and enhances the character and appearance of the area. It would also be contrary to the Barnet Residential Design Guide Supplementary Planning Document (2016).

Other Matters

17. Whilst conditions could be imposed to secure materials and screening and I note the appellant is happy with the Council's suggested conditions, they would not be enough to overcome the overall harm I have identified.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the proposed development I conclude that the appeal should be dismissed.

K Stephens
INSPECTOR