



Appeal Decision

Site visit made on 8 July 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/N5090/W/19/3227464

116 Ashurst Road, North Finchley, London N12 9AB

- 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 David Reilly against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/6071/FUL, dated 14 August 2018, was refused by notice dated 18 December 2018.
 - The development proposed is the demolition of the existing dwelling and the construction of 3 no two storey dwellings with rooms in the roofspace and associated parking, refuse/recycling and cycle store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the banner heading above, I have taken the description of development from the Council's refusal notice and the appellant's appeal form and not from the application form. This is because such a description of development more precisely and accurately reflects the plans that were considered by the Council when it refused planning permission ie a proposal for 3 dwellings and not 2 dwellings.
3. The National Planning Policy Framework (the Framework) was revised on 19 February 2019 and this post-dates the Council's refusal notice. I have considered the Framework as part of the determination of this appeal.

Main Issues

4. The main issues are the effect of the development on (i) the living conditions of the occupiers of 114 and 118 Ashurst Road (No 114 and No 118) in respect of privacy, outlook and noise and (ii) the character and appearance of the area.

Reasons

Living conditions

5. The appeal property 116 Ashurst Road (No 116) is a 2-storey building with single storey flat roof rear extensions. It faces the road and lies in a line of houses with No 114 adjacent to the south east boundary and No 118 on the other side. The appeal property lies side by side with its neighbours and all have rear windows that face onto their back gardens. Trees, bushes and fences on the shared back garden boundaries help partially screen views. However,

due to its height and proximity, it is possible to see the upper elements of No 116 from the neighbouring back gardens.

6. The proposed dwellings would replace the existing building and have rear elevations facing the back garden. Part single, part double and part 3 storey high elements would project out from the rear of the proposed dwellings. Whilst the single storey elements would project out further than the storeys above, the 2 and 3 storeys high projections would extend out beyond the rear elevations of the neighbouring properties. Also, the 3 storeys high elements would be significantly taller than the single storey extensions to the rear of the existing property, being almost as high as the ridgeline of the pitched roof to the main part of the proposed dwellings.
7. Despite the presence of boundary trees and being set in from the side boundaries, the 3 storey rear elements of the proposed dwellings would be seen from the back gardens of No 114 and No 118. Being flat-roofed and 3 storeys high, they would appear as bulky protrusions beyond the main part of the proposed dwellings and markedly more visible than the existing building on the appeal site. As a result of their height, bulky appearance and closeness to the side boundaries, the 3 storey high rear elements of the proposed dwellings would significantly harm the outlook and have a materially overbearing effect when seen from parts of the back gardens of the neighbouring properties. Given the positioning of the 3 storey elements, the effect would be most harmful to those parts of the neighbours' gardens closest to the houses and therefore those parts likely to be the most well-used.
8. Balconies would be provided at loft floor level at the back of the proposed houses, from which there would be rear facing and direct sideward views onto No 114 and No 118. These would be new views from the appeal site towards the adjacent properties. Whilst boundary trees would partially obscure some views, the proposed balconies would result in significant overlooking and loss of privacy for the occupiers of the neighbouring properties.
9. The appellant has suggested the imposition of a planning condition requiring the provision of privacy screens to block views. Whilst screens may prevent direct sideward overlooking, they would also add to the overall bulk of the side elevations and so add to my identified harm caused by reason of loss of outlook and overbearing effect. In any event, privacy screens on the side would not prevent overlooking from the rear of the balconies towards the central and end parts of the neighbouring back gardens. As such, the proposal would cause significant overlooking and a loss of privacy for the occupiers of No 114 and 118.
10. The Council also raises concern over the potential for noise nuisance and disturbance from the proposed balconies. Due to their size, the balconies would only be able to accommodate a limited number of people at any one time. They also lead off third floor bedrooms and are less likely to be utilised in the same way as a ground floor terrace or patio. On the evidence that is before me, I have no reason to consider that the balconies would give rise to unacceptable levels of noise in this residential area. Consequently, I find the proposed development would not cause significant harm by reason of noise and disturbance. However, this does not outweigh or alter my view that the proposal would cause significant harm by reason of loss of outlook, its overbearing effect and loss of privacy.

11. For the reasons outlined above, I conclude that the development would significantly harm the living conditions of the occupiers of No 114 and No 118 by reason of loss of outlook, its overbearing effect and loss of privacy. Consequently, and in this regard, the development would not accord with policy CS5 of the adopted Barnet Local Plan Core Strategy 2012 (BLPCS), policies DM01 and DM02 of the adopted Barnet Local Plan Development Management Policies 2012 (BLPDMP), the Barnet Local Plan Supplementary Planning Document: Sustainable Design and Construction 2016, the Barnet Local Plan Supplementary Planning Document: Residential Design Guidance 2016 (BLPSPDRDG) and the Framework, which require, amongst other things, high standards of amenity for existing and future occupiers of all properties.

Character and appearance

12. Ashurst Road is predominantly residential in character. The houses share some characteristics, being mainly 2 storeys high with pitched roofs and facing the road. However, there is a mix of detached, semi-detached and terraced units along the street and differing size of gaps between the properties.
13. From the road, the proposed development would not appear markedly out of character with the area. The pitched roof, bay windows and architectural detailing would all follow common characteristics seen along Ashurst Road. The proposed dwellings would also not be significantly higher, or appear more cramped, compared to others in the street.
14. However, being 3 storeys high and with a flat roof, the rear elevations would appear totally different to the front. By reason of its height, flat roof, depth and lack of architectural detailing the rear aspect would appear dominant, bulky and incongruous. It would not constitute good design and would fail to reflect the character and appearance of the rear of other properties in the immediate locality.
15. The rear elevations would not be seen from the street. However, this does not obviate the need for the development to achieve good design. In any event, by virtue of their height, the rear elevations would be conspicuous when viewed from the rear gardens and windows of adjacent and nearby properties. By reason of their scale, height and flat-roof design, the rear parts of the proposed dwellings would appear significantly at odds with the pitched roofs and architectural features seen on most of the other properties in the vicinity of the appeal site. Whilst reasonably localised in its extent, the effect of the proposed development would therefore be to diminish unacceptably the character and appearance of the surrounding area.
16. The appellant contends that the proposed development would be better than the existing property on the appeal site in terms of design. However, for the reasons set out above, I consider the proposed development would not constitute good design. Whilst the existing dwelling includes some uncharacteristic features, it is generally in keeping with the area by reason of being 2 storeys in height and as it has a pitched main roof.
17. For the collective reasons outlined above, I conclude that the development would cause significant harm to the character and appearance of the area. Consequently, and in this regard, it would be contrary to policies CS NPPF, CS1 and CS5 of the BLPCS; policy DM01 of the BLPDMP; the BLPSPDRDG and the Framework, which seek to ensure that development proposals are of high

quality design, to avoid harm to the character and appearance of an area and to deliver sustainable development.

Other matters

18. As pointed out by the appellants, the appeal site is not in a conservation area nor is there any evidence that harm would be caused to the setting of any nearby heritage assets. No objection has been raised by the Highway Authority in respect of highway safety or car parking provision. Whilst acknowledging these points, the lack of harm in these respects are matters of neutral consequence to consider in the overall planning balance.
19. The proposed housing would be to modern build standards and would include energy and water efficiencies over and above the existing situation. The proposal would also lead to a more efficient use of land. These are positive factors which weigh in favour of allowing the proposal.
20. The appellant accepts the local planning authority (LPA) is meeting its target in terms of granting planning permissions for new housing. However, he contends that the LPA it is failing to meet its housing delivery targets. I have been provided with only limited information about these matters. In any case, whilst the appeal scheme would lead to an increase in housing in the area, the overall contribution from only 3 dwellings would be limited in housing delivery terms. Even if the LPA were unable to demonstrate a satisfactory housing delivery, the harm caused by the proposed development in terms of my conclusions on the main issues would significantly and demonstrably outweigh housing delivery and other identified benefits. Therefore, the proposal would not amount to a sustainable form of development.

Conclusion

21. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR