



Appeal Decision

Site visit made on 19 June 2019

by Mr M Brooker DipTP MRTPI

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

Decision date: 13 August 2019

Appeal Ref: APP/N5090/W/19/3225986

Rear of 29 Henry Road, Barnet, EN4 8BG

- 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 & Mrs Barrett against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/6963/FUL, dated 19 November 2018, was refused by notice dated 14 January 2019.
 - The development proposed is external alterations to existing single storey building and change of use to single dwelling house. Provision of amenity space and one car parking space.
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Decision

1. The appeal is allowed and planning permission is granted for external alterations to existing single storey building and change of use to single dwelling house. Provision of amenity space and one car parking space at the rear of 29 Henry Road, Barnet, EN4 8BG in accordance with the terms of the application, Ref 18/6963/FUL, dated 19 November 2018, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the application site and surrounding area; and,
 - whether or not the proposed development would provide adequate living conditions for future occupiers with particular respect to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is surrounded by residential properties on all sides and is located in a predominately residential area, albeit the wider area includes commercial properties. The area includes a range of dwelling types and ages, including terraced, semi-detached and flats.
4. The existing appeal property, which is entirely dominated by the storage and repair of motor vehicles, is accessed via a narrow residential driveway to the side of 29 Henry Road. I observed at my site visit that the existing use of the

appeal property, which was granted a lawful use certificate¹, significantly harms the character and appearance of the appeal site and the surrounding area. It is not at dispute between the parties that the removal of this use is a material consideration that weighs in favour of the proposed development.

5. The proposed development would create a single additional residential dwelling in an established residential area. The Barnet Supplementary Planning Document: Residential Design Guide (the Design Guide) seeks that the *design and layout of new development should be informed by the local pattern of development*.
6. I observed at my site visit that there was no predominant type or arrangement of development in the surrounding area and there are a number of instances where residential dwellings are situated back from the street in a cul-de-sac or square type arrangement.
7. Therefore, I find that the proposed development would not harm the character and appearance of the area and would remove a use that harms the character and appearance of the area. As such the proposed development is not contrary to policy 7.3 of the London Plan, policy CS1 of Barnet's Local Plan (Core strategy), policy DM01 of Barnet's Local Plan (Development Management Policies) (DMP) and guidance set out in the Supplementary Planning Document: Design Guide (the Design Guide), that amongst other matters seeks to ensure that new development is of high quality design that is in keeping with the surrounding area.

Living conditions

8. That the proposed development provides sufficient outdoor amenity space to comply with requirements of the Barnet Supplementary Planning Document: Sustainable Design and Construction (the SPD) is not at dispute between the parties. However, I observed at my site visit that the rear windows of properties fronting on to Brunswick Court and the front windows of properties on The Acacias would look onto the outdoor amenity space of the proposed development.
9. I note that the appeal site is separated from the neighbouring properties by the width of the rear gardens to the west and the narrow front gardens and access road to the west. Furthermore, the submitted plans show the outdoor amenity space as being enclosed by a tall fence and this will afford some privacy by preventing overlooking from the ground floor windows of neighbouring properties.
10. In the context of an established urban area where a degree of overlooking of outdoor amenity space, particularly from the upper floor windows of neighbouring properties, may be reasonably expected; and as a result of the combination of the separation distance to the neighbouring properties and proposed boundary treatment, I find that on balance the proposed development would provide a reasonable degree of privacy.
11. Turning to outlook, the proposed dwelling would enjoy a single aspect outlook only and the outlook would be confined to the outdoor amenity space enclosed by a tall fence.

¹ 17/6271/191 - 2 November 2017

12. Paragraph 7.9 of the Design Guide details that north facing single aspect units are normally unacceptable. The appellant details that there are proposed roof lights facing to the south and that the glazing to habitable rooms of the proposed development, at 35%, significantly exceeds the 20% detailed in table 2.4 of the SPD.
13. I therefore find that, on balance, the proposed development would provide future occupiers with an adequate level of outlook.
14. To conclude on this main issue, I find that the proposed development would provide adequate living conditions for future occupiers with particular regards to outlook and privacy. The proposed development is therefore not contrary to policy 3.5 of the London Plan, policies DM01 and DM02 of the DMP and guidance set out in the Design Guide and the SPD in so far as the seek to protect the living conditions of future occupiers.

Conditions

15. The Council has suggested a number of conditions which I have considered against the advice in the Planning Practice Guidance (PPG). In some instances, I have amended the conditions provided by the Council in the interests of brevity.
16. I have imposed the standard implementation condition as well as a condition to ensure that the development is carried out in accordance with the approved plans, as this provides certainty. A Construction Method Statement is necessary in the interests of highway safety and to safeguard the living conditions of neighbouring occupiers. Conditions covering landscaping and bin storage areas are necessary to ensure that the appearance of the development protects the character and appearance of the area.
17. The Council has not provided any specific justification for the conditions relating to the removal of permitted development rights or the requirement for water meters, renewable and low carbon energy sources and compliance with Part M4(2) of the *Building Regulations Optional Requirements*. Whilst the objectives of these conditions are laudable, the PPG is clear that it is not sufficient that a condition relates to planning objectives: it must also be justified by the nature or impact of the development being permitted. I am not persuaded that the development would be unacceptable without these conditions.
18. I have not included a condition relating to external materials because, with the exception of a door, windows and rooflights no external alterations are shown on the submitted plans.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Mark Brooker

INSPECTOR

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: Drawing no. SL-100; Drawing no. SK-000; Drawing no. SK-001; Drawing no. SK-002; Drawing no. SK-003; Planning Statement by Henry Planning Consultancy and Development; Sustainability Statement by Henry Planning Consultancy and Development.
- 3) The dwelling hereby approved shall not be occupied until space has been laid out within the site for 1 bicycle to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 4) The dwelling hereby approved shall not be occupied until details of hard and soft landscaping to include boundary treatments, an implementation and a management plan have been submitted to and approved in writing by the Local Planning Authority.
- 5) The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation plan. The completed scheme shall be maintained in accordance with the approved management plan.
- 6) The dwelling hereby approved shall not be occupied until space has been laid out within the site for 1 car to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 7) Before the dwelling hereby permitted is first occupied, 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 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;

- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

End of schedule