
Appeal Decision

Site visit made on 23 July 2019

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Reference: APP/N5090/W/19/3226783

Land at 1 Weymouth Avenue, Mill Hill, London NW7 3JD

- 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 S Hikmet against the decision of Barnet London Borough Council.
 - The application (reference 18/7681/FUL, dated 17 December 2018) was refused by notice dated 4 March 2019.
 - The development proposed is described in the application form as "the demolition of the side extension to the existing single detached house, the subdivision of the existing residential plot and the erection of a terrace of 3 no. two-storey homes within the rear garden of 1 Weymouth Avenue".
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Decision

1. The appeal is dismissed.

Main issues

2. There are three main issues in this appeal. The first is the effect of the proposed development on the character and appearance of the surroundings. The second is the standard of residential amenity that would be enjoyed by residents of the new development. The third is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance or intrusion on privacy).

Reasons

3. The appeal site lies in a suburban location, within an area of residential development between the M1 Motorway and the A1 Watford Way (the Barnet By-pass), which is a dual carriageway. Both roads are very busy traffic routes. Nevertheless, the residential area is relatively secluded and peaceful and is characterised by substantial detached houses in generous plots, set in a mature townscape. There are many trees and shrubs in the gardens of the houses, with additional trees on the road frontages, including the wide verge along the south-western frontage of Watford Way.
4. Number 1 Weymouth Avenue is a large detached house on a plot that has a frontage to Weymouth Road, which is comparable with others nearby, but that also has a long side boundary along the south-western frontage of Watford Way. This boundary is at an angle to the house, following the line of the road,

- thereby creating the unusual size and irregular shape of the plot, by comparison with others in the vicinity.
5. The back garden at number 1 Weymouth Avenue is mainly laid to grass, set with trees and shrubbery. The north-eastern boundary of the plot is screened from Watford Way by a high boarded fence on concrete posts, as well as by the planting, including mature trees. Other large mature trees are to be seen on neighbouring plots, especially at the ends of the gardens of properties in Weymouth Avenue and Russell Grove (at the rear of the appeal site).
 6. It is now proposed to construct a short terrace of three new dwellings in the back garden, essentially looking on to Watford Way but with a new access from Weymouth Avenue.
 7. The 'National Planning Policy Framework' (which was revised in February 2019) has the aim of making effective use of land, significantly boosting the supply of homes and encouraging economic activity but it also emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12). It is aimed at achieving good design standards generally, which includes providing good standards of accommodation in new dwellings and protecting existing residential amenities.
 8. Those aims are underpinned by Policies in the Development Plan. While the need for housing is emphasised in local planning policies, including the need to increase densities, various Policies in the Development Plan stress the importance of high quality design, including, in particular, Policies 3.5, 7.4 and 7.6 of 'The London Plan' (2016), Policy CS5 of 'Barnet's Local Plan (Core Strategy)' (adopted in September 2012) and Policy DM01 of 'Barnet's Local Plan (Development Management Policies)' (adopted in September 2012).
 9. Barnet Council's Supplementary Planning Documents entitled 'Residential Design Guidance' and 'Sustainable Design and Construction' (both of which were adopted in October 2016) do not have the same force as Policies in the Development Plan but they are material considerations in this appeal, nonetheless.
 10. The proposed new terrace would, essentially, be orientated across the back garden of number 1 Weymouth Avenue, facing towards the frontage on Watford Way and stepped back to accommodate the angle of the boundary. Access to the new houses would be taken from Weymouth Avenue, where a private drive would be created between the existing house and its side boundary (following the removal of a part of the house). Four parking spaces would be provided to serve the three new houses, one of which would be located close to the front of Houses B and C, beyond the end of a tight vehicle turning head.
 11. The long flank wall of House A, which would be a predominantly blank wall, even though it is labelled as the "front elevation", would face the new drive and the rear of the existing house (albeit at an angle). The new houses would be designed in a contemporary style that, nevertheless, would echo the character of more traditional houses in the use of materials.
 12. The new houses would be reasonably well screened from public viewpoints in Watford Way and Weymouth Avenue but their layout would be very cramped.

The access drive would be narrow and awkward to serve three dwellings and, although some trees and shrubbery could be retained along the side boundary, the proposed driveway, parking areas, cycle stores and bin stores would combine to create an unduly hard finish that would be in marked contrast with the surroundings. The new houses themselves would be on much smaller plots than their neighbours and would create an unappealing and unattractive location.

13. It is acknowledged that the introduction of a modern architectural idiom into a conventional suburban setting can be effective and the architectural language that is here proposed would not be unacceptable in principle. The desirability of respecting local character does not necessarily imply that existing forms must be mimicked. In this case, however, the density and constricted nature of the proposed development is such that the scheme would be unsatisfactory in itself and out of keeping with the surroundings. Hence it would cause actual harm to the character and appearance of the surroundings and is unacceptable in planning terms.
14. It also follows that residents of the new development would have a poor standard of residential amenity. Although the new houses and their private gardens would, no doubt, be pleasant and modern in feeling, in themselves, the access and immediate surroundings would be cramped and uncomfortable and the site would feel crowded and over developed.
15. Turning to the effect of the proposed development on the residential amenities of neighbours, it is clear that the new houses would be distanced from existing houses in Russell Grove and from number 3 Weymouth Avenue. Although they would have some effect on the outlook and privacy of those neighbours, the impact would not be so marked as to be unacceptable in an urban context.
16. On the other hand, the "front elevation" of the new terrace would be intrusive in the outlook from the rear of the existing house on the appeal site. Although the impact might not justify a refusal of planning permission in itself, it underpins the more fundamental concerns about the cramped nature of the development as a whole.
17. The contribution that the appeal scheme would make to economic activity and the additional residential units that would be created both weigh in favour of the appeal. Even so, the project before me must be judged on its own merits and I am convinced that the harm that would be done to the character and appearance of the surroundings, arising from the cramped and overdeveloped nature of the scheme, outweighs the benefits of the proposed development. Hence, I have concluded that the appeal scheme would conflict with both national and local planning policies (including those in the Development Plan to which I have referred) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR