



Appeal Decision

Site visit made on 17 April 2019

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Appeal Ref: APP/N5090/W/19/3221601

42 Mansfield Avenue, East Barnet, Barnet EN4 8QE

- 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 Mohammad Mehdi Kashef Mobarekeh against the decision of Council of the London Borough of Barnet.
 - The application Ref 18/6638/FUL, dated 2 November 2018, was refused by notice dated 20 December 2018.
 - The development proposed is demolition of existing garage and erection of single storey dwelling, associated parking, cycle store, and refuse and recycling store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have considered the appeal on the basis of the description of development in the Council's refusal notice, and appellant's appeal form, as this more precisely describes the appeal proposal. I have taken into account the earlier appeal decision Ref APP/N5090/W/17/3179837, highlighted by the appellant. Notwithstanding this, I have considered the proposal on its own merits.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area; and (ii) the living conditions of future occupiers with regard to outlook.

Reasons

Character and Appearance

4. The appeal site is the rectangular house plot at 42 Mansfield Road, on the corner with Vernon Crescent. The plot comprises a semi-detached bungalow set back from and facing the road and rear garden. The rear garden is enclosed and stretches eastwards up to the boundary with an existing electricity sub-station. There is an existing single garage, accessed from Vernon Crescent, located at the bottom of the garden. It is proposed to sub-divide the rear garden (which is not unusually large) demolish the garage and construct a single storey dwellinghouse.

5. The street scene contains single/two storey dwellinghouses, generally set towards the front of their plot, facing the road. Plot sizes vary but these are generally spacious, rectangular and side-by-side. I did not observe any examples of 'backland' development during my visit.
6. The proposed dwellinghouse would sit to the rear of what would be a newly created, contextually small plot: 166m², according to the appellant. Having regard to the size and shape of the footprint of the building and that the dwellinghouse would be on or close to three of the proposed plot boundaries, I consider this would result in a cramped form of development. In addition, the proposal would introduce a form of backland development, in an area where this is not a characteristic of the pattern of development.
7. I acknowledge that the single storey design, semi-private nature of the proposed garden, and existing trees/shrubbery, would, taken together, limit the visual impact of development. Nonetheless, part of the development would still be visible from Vernon Road, in particular the roof despite the presence of existing/proposed boundary fencing and/or walls. In any event, limited public visibility does not obviate the requirement to achieve good design.
8. For the above reasons, I conclude that the proposal would not comply with Policy 7.4 of the London Plan 2016; Policy DM01 of Barnet's Local Plan Development Management Policies 2012 (DMP); Policy CS5 of Barnet's Local Plan Core Strategy 2012 (CS); and section 6 of the Supplementary Planning Document: Residential Design Guidance 2016 (RDG). These, amongst other things, and along with section 12 of the National Planning Policy Framework 2019, seek to ensure that new development is of a high quality design and contextually appropriate.

Living conditions

9. The point of contention between the parties relates to the outlook that would be afforded to the occupiers of the proposed dwelling from the windows in both the bedroom and dining/reception room. The bedroom window would face west and be around 6.5m from that boundary, sufficiently far enough away that the proposed timber fence would not represent an overbearing structure. The dining/reception room would have partial full length glazing on three sides, including to the front, where it would be about 5m from that boundary. Again, sufficiently far enough away that the existing timber fence would not have a dominating effect. In this regard, and considering these windows offer uninterrupted views over amenity space, the outlook from these rooms would be acceptable.
10. For the above reasons, I conclude that the proposed development would not have a harmful impact on the living conditions of future occupiers in respect of outlook. Therefore, the proposal would comply with Policy DM01 of the DMP, section 7.5 of the RDG, and section 2.4 of the Supplementary Planning Document: Sustainable Design and Construction 2016. Amongst other things, these seek to ensure that new development provides a good standard of amenity for existing and future occupiers of land and buildings.

Other Matters

11. I note the appellant's comment that the existing garage has little or no architectural merit. However, this does not justify allowing harmful development and it is of note that, unlike the existing garage, the proposed dwelling would not be subordinate in scale to the host bungalow.
12. The presumption in favour of sustainable development is at the heart of the Framework. That requires approval of proposals that accord with an up-to-date development plan. For reasons already stated, that would not be the case in respect of the appeal proposal.
13. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

Conclusion

14. Whilst the proposal would be acceptable in terms of its effect on the outlook afforded to future occupiers of the dwelling, significant harm would be caused to the character and appearance of the area. This is a matter of overriding concern and, therefore, I conclude that the appeal should be dismissed.

Euan FS Pearson

INSPECTOR