



Appeal Decision

Site visit made on 17 September 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/N5090/W/19/3232177

63 Puller Road, London EN5 4HQ

- 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 Michael Thoroval against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/6561/FUL, dated 31 October 2018, was refused by notice dated 31 December 2018.
 - The development proposed has been described as "a contemporary detached family dwelling on an plot of land owned by and to the rear of 63 Puller Road."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the:
 - Character and appearance of the site and the surrounding area
 - Living conditions of the occupiers of neighbouring properties, with particular regard to privacy.
 - Living conditions of future occupiers.

Reasons

Character and Appearance

3. The site is located within a mostly residential area, comprising of a mixture of attached and detached buildings. The majority of the built form in the locality is two storey in scale, albeit with some buildings having additional accommodation in the roof space. Several properties features outbuildings within the rear garden areas that are subservient in appearance to the host dwellings. The buildings are laid out in close proximity to the roads, with long rear gardens. Exceptions to this include a parking court located to the rear of a building containing flats and dwellings that have been built to the rear of 26 Sebright Road and 33 Puller Road. The long rear gardens are visually apparent in the gaps between dwellings, creating a pleasant suburban environment.
4. The main part of the appeal site is a square of land set behind the built form of Puller Road which contains outbuildings and soft landscaping. The main part of the site is connected to Puller Road by an existing vehicular access that passes between dwellings. The proposal would see the erection of a detached single

- storey dwelling on the main part of the site, with a parking area and outbuilding to the front, which would utilise the existing access.
5. The positioning of the proposed dwelling would erode the space between dwellings and therefore undermine the contribution that the site makes to the suburban character. The footprint of the dwelling would cover a substantial portion of the plot and would therefore represent a development of large scale that would dominate the view between the dwellings of 63 and 65 Puller Road.
 6. The proposed dwelling, due to its form, roof design, materials and fenestration, would distinctly contrast with the narrow and deep plan form, traditional materials and pitched roofs of the surrounding buildings, whilst also having a large footprint that would not be of comparable extent. Therefore, whilst the dwelling would be designed to a high standard, it shows little regard to the character of the surrounding area and would not harmonise with the surrounding built form. This heightens the visual effect of the development and exaggerates the contrast with the layout of development within the locality. This would also be unlike the other dwellings that have been built to the rear of buildings in the surrounding area which appear subservient to the frontage buildings in terms of scale and are harmonious in terms of appearance, with sympathetic materials and detailing.
 7. The appellant has suggested that outbuildings could be erected under permitted development rights. However, an outbuilding is not proposed and there is no evidence before me to suggest that this would be pursued. This factor does not therefore outweigh the harm identified. The appellant has also identified that residential buildings existed at the site previously. However, the only built form now present is small scale outbuildings and as such any previous development carries little weight in support of the scheme and does not diminish the importance of development being sympathetic to the character of the site and the locality in its current form.
 8. For the reasons given above, the development would have an unacceptable effect on the character and appearance of the site and the surrounding area. The proposal would therefore be contrary to policy DM01 of the Council's Development Management Policy Document¹ (LPDMP) and policies CS4 and CS5 of the Council's Core Strategy² (LPCS) which combine to require that development does not undermine suburban character or local distinctiveness, is of high quality and respects the appearance, scale, mass and height of surrounding buildings. The proposal is contrary to policy 7.4 of the London Plan (2016) which requires that development, amongst other things, has regard to the form function and structure of an area and the pattern and grain of the existing spaces and streets.
 9. Furthermore, the proposal would be in conflict with the Council's Residential Design Guidance³ (RDG) which supports these policy requirements and also advises that development should be informed by the local pattern of development. The proposal is also contrary to paragraph 127 of the National Planning Policy Framework which states that development should be sympathetic to local character.

¹ Barnet's Local Plan Development Management Policies Development Plan Document (2012)

² Barnet's Local Plan Core Strategy Development Plan Document (2012)

³ Barnet Local Plan Supplementary Planning Document: Residential Design Guidance (2016)

10. The Council's Sustainable Design and Construction Supplementary Planning Document⁴ (SDC) does not however appear to be relevant to this issue.

Living Conditions of the Occupiers of Neighbouring Properties

11. The proposed development would be in close proximity to the boundaries of the site. However, the neighbouring dwellings are a substantial distance from those boundaries and there are boundary treatments in place, which are supplemented by vegetation and outbuildings within neighbouring plots.
12. The proposed dwelling would be single storey and as such the boundary treatments would be effective in terms of preventing views between the proposed dwelling and the gardens and ground floor habitable accommodation of the neighbouring dwellings. Any views towards the upper floors of neighbouring properties would be over a significant distance and due to the elevation of the neighbour windows, would not cause a loss of privacy within the neighbouring properties. Therefore, whilst the dwelling would be closer to the boundaries of the plot than the minimum requirement that is set out within the RDG, the harmful effects the RDG seeks to avoid would nevertheless not occur as a result of the single storey form of the development proposed and the relationship with the neighbouring properties.
13. The development would therefore not have an unacceptable effect on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy. As such the proposal accords with policies DM01 and DM02 of the LPDMP and policy CS5 of the LPCS which combine to require that development allows for adequate light, privacy and outlook for adjoining occupiers and protects the gardens of residential properties. The proposal is also consistent with the aspects of the RDG and the SDC which advise that residential amenity should be safeguarded and any loss of privacy should be minimised.

Living Conditions of Future Occupiers

14. As set out above, the site is surrounded by residential properties with substantial separation distances and boundary screening that would be retained. The relationship with the neighbouring dwellings and the layout of the development ensures that, even though some overlooking of the site could occur from neighbouring first floor windows, those views would mostly be towards the parking area and front elevation of the dwelling, which are rarely expected to be private areas in a suburban setting. Therefore, the level of overlooking would not have an unacceptable effect on the living conditions of future occupiers.
15. The dwelling would be located within close proximity to the boundaries of the site, but the dwelling has been designed so that the main windows serving living accommodation face the garden. Some bedroom windows would have limited outlook due to the proximity of the adjacent boundaries, but a sufficient gap would be provided to ensure that the windows would receive some light and outlook and this would be maximised through the provision of good sized openings. In this case, the outlook would be sufficient to provide an adequate standard of living accommodation inside. It appears that the aim of the separation distance recommendation set out within the SDC is to prevent

⁴ Barnet Local Plan Supplementary Planning Document: Sustainable Design and Construction (2016)

overlooking rather than ensure that development has a suitable outlook and I therefore afford this minimal weight in this regard.

16. The Council has raised no objection to the size of the garden but considers the amenity space to be of unacceptable quality due to the proximity of the dwelling to the boundaries. Whilst the garden would be enclosed, this would provide a degree of seclusion and the space between the dwelling and the boundary is such that the garden would be usable. Due to the layout of development and the relationship with neighbouring properties, the garden would not be unacceptably overlooked. As such, I find that the garden would be of sufficient size and usability to serve the proposed dwelling.
17. The development would therefore provide adequate living conditions for the future occupiers of the proposed development. The proposal therefore accords with policy CS5 of the LPCS and policies DM01 and DM02 of the LPDMP which combine to require that future occupiers of developments are afforded adequate light, privacy and outlook and that development is of high quality. The proposal is also consistent with those aspects of the RDG and the SDC which seek the provision of gardens of adequate size and usability and habitable accommodation that is private and served by a sufficient outlook.

Other Matters

18. The appellant has identified that the development would be designed to meet the Lifetime Homes Standards. Although this standard has been superseded, it is a requirement of policy CS4 of the LPCS and DM02 of the LPDMP for development to meet this standard and as such this is not an exceptional factor that I consider would outweigh the harm identified above. Similarly, although the appellant has indicated that the development would be efficient in terms of energy used during construction and occupation, I do not find that this factor outweighs the harm that has been identified above.

Conclusion

19. Whilst I have found the development to be acceptable in terms of the effect on the living conditions of the occupiers of neighbouring properties or future occupiers, the development would have an unacceptable effect on the character and appearance of the site and the surrounding area. The appeal is therefore dismissed.

Ian Harrison

INSPECTOR