



Appeal Decision

Site visit made on 3 October 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 22 October 2019

Appeal Ref: APP/N5090/W/19/3223969

34 Beaconsfield Road, Brunswick Park, London N11 3AB

- 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 N Knight against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/4730/FUL, dated 30 July 2019, was refused by notice dated 15 October 2018.
 - The development proposed is a change of use from communal gym to a one bedroom independent unit.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site visit was to have been undertaken on the basis of the appellant allowing access to the appeal property. However, the appellant was not present during the site visit and it was undertaken on an unaccompanied basis. Access to the rear of 34 Beaconsfield Road to view the appeal property was facilitated by 2 tenants.
3. The appellant's name from the appeal form has been used.

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area; (b) the living standards for the future occupiers; (c) the living conditions of the occupiers of neighbouring properties and (d) the safety of other highway users.

Reasons

Character and Appearance

5. The appeal property is a single storey outbuilding that was erected as a communal gym for the occupiers of 34 Beaconsfield Road which has been subdivided into flats. The erection of the outbuilding was the subject of a Enforcement Notice appeal¹ and a copy of the previous Inspector's decision letter has been provided. Whether the conditions of the planning permission have been met is not a matter for determination as part of this appeal.

¹ APP/N5090/C/12/2184654

6. Regard has been had to the assessment of the previous Inspector in determining this appeal. However, the proposed development includes the creation of a separate dwelling rather than the use of the property as being incidental to No. 34. Accordingly, there are different development plan considerations which apply to this appeal scheme.
7. Reference has been made to an appeal decision at Whetstone² and the appellant highlights comments concerning the design of that scheme, including it being hidden from view. These are comments specific to that proposal, including the relationship to other dwellings. Two other schemes have been identified by the appellant but only limited information about their planning circumstances have been provided. For these reasons, only limited weight is given to these other schemes in the determination of this appeal which has been considered on its own planning circumstances. The same consideration applies to the appeal decisions provided by the Council³.
8. No external alterations to the property are proposed and, as such, its design, size and appearance will not change. However, it is not of a particularly high quality of design or appearance which might be acceptable for an outbuilding but, as an independent dwelling, the property would not reflect the more traditional character and appearance of the surrounding dwellings.
9. From what could be observed, the property has already been sub-divided into the general configuration for a dwelling indicated on the submitted drawings. A wooden fence of around 0.9 metres high has also been erected creating a boundary between the car parking area of No. 34 and the proposed dwelling.
10. During the site visit it was possible to observe that there are outbuildings within the rear gardens of other properties. However, these outbuildings include garages, sheds and other structures which appear to be used for purposes ancillary to their host properties rather than as dwellings. Although, as with the appeal property, there is parking provision to the rear of some properties, including Nos. 36-38, the character and appearance of the back gardens is predominantly private amenity space.
11. I share the comments of the Whetstone Inspector that proposals for development of a backland, rather than a frontage, site does not automatically make it harmful. The Council also recognise that backland sites can make a contribution to the supply of housing. However, in this case because of its siting the proposed 1-bedroom dwelling would, as claimed by the Council, materially change the character of the outbuilding and the surrounding area by introducing an isolated residential unit within the rear garden of the property. As noted, the character and appearance of the back gardens is predominantly private amenity space and the proposed dwelling would have no direct relevance or clear relationship with the surrounding dwellings.
12. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with Policy CS5 of Barnet's Local Plan Core Strategy (CS), Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document (DMP) and the design aspirations of the Council's *Residential Design Guidelines Supplementary Planning Document*

² APP/N5090/W/15/3089713

³ APP/N5090/W/17/3185800 & APP/N5090/W/18/3202415

(RDG). Amongst other matters, these policies require development to be of high quality and respect local context.

Future Occupiers' Living Standards

13. The outlook from the proposed living room would be towards the parking and associated manoeuvring area. This outlook would not be particularly attractive for the future occupiers. Further, the Council's *Sustainable Design and Construction Supplementary Planning Document* (SDC) refers to bedrooms having a reasonable outlook with clear glazed windows. The existing openings which would serve the proposed dining room and bedroom are small and have and outlook towards a palisade fence which is the boundary for the adjacent railway. The outlook from these small windows would be of poor quality being dominated by the fence, the trees and the railway. Significant harm would be caused to the living conditions of the future occupiers by reason of poor quality outlook.
14. As proposed, the area which has already been enclosed by the 0.9 metre high fence would provide amenity space which could be used for sitting out and drying washing. The proposed amenity space would be located adjacent to the parking and manoeuvring area and, as claimed by the Council, would be overlooked by the occupiers of neighbouring buildings. Although some overlooking within urban areas can be expected, there is no sense of any privacy associated with the proposed amenity space and this contrasts with the enclosed gardens which exist within the curtilage of No. 34. Although this matter alone would not be a reason for this appeal to fail, it does increase the already significant level of harm which has been identified.
15. For the reasons given, it is concluded that the proposed development would not provide satisfactory living standards for the future occupiers and, as such, it would conflict with DMP Policy DM01, RDG and SDC Supplementary Planning Documents (SPDs). Amongst other matters, this policy and the SPDs require development proposals being designed to allow for adequate privacy and outlook for potential occupiers. As part of this main issue, a specific conflict with CS Policy CS5 and DMP Policy DM02 concerning the character of the place and achieving defined development standards has not been identified. CS Policy CS1 is a general strategic policy rather than specifically identifying the effect of development on future or neighbouring occupiers.

Neighbouring Occupiers' Living Conditions

16. A copy of Drawing No. 3839/04 referred to in the previous appeal decision letter has not been provided to indicate the amenity areas associated with the current flats at No. 34. Private amenity spaces do exist. However, as already identified, whether the conditions of the planning permission have been met is not a matter for determination as part of this appeal.
17. From what can be gleaned from the available drawings and evidence, the amenity areas associated with the proposed dwelling is land associated with either the outbuilding or the parking area. On this basis there would not be a reduction in the amount of amenity space which should be available to the occupiers of the existing flats. The extent of this amenity space was assessed to be appropriate by the previous Inspector and, as such, I do not have any reasons to depart from this assessment.

18. A separation distance of 21 metres would not be achieved between the proposed development and the habitable room windows of neighbouring properties. This separation distance is sought by the RDG. However, a combination of the lower ground level of the property, the elevation of habitable room windows of the adjacent residential accommodation, the fences enclosing the amenity spaces of Nos. 34 and No. 32 and the communal use of the garden of Nos. 36-38 would ensure that there would be no unacceptable loss of privacy to the occupiers of neighbouring properties by reason of overlooking.
19. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would not conflict with DM Policy DM01 and the SPDs. This policy and associated guidelines require development proposals to be designed to allow for adequate privacy and outlook for adjoining occupiers. For the reasons given previously, there would not be a conflict with CS Policy CS5 and DMP Policy DM02.

Highway Safety

20. The parking provision would be reduced as a consequence of the proposed development. However, the manoeuvring area and potential for vehicles to reverse along the access drive are similar to the parking matters assessed as being acceptable by the previous Inspector. It was also noted that there are no parking restrictions along the road and on-street parking spaces were available during the morning site visit.
21. For the reasons given, the proposed development would not result in unacceptable harm being caused to the safety of other highway users and, as such, there would not be a conflict with DMP Policy DM17. This policy requires the safety of all other road users to be taken into account, including refusing schemes that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. CS Policy CS 9 is generally directed at providing safe, effective and efficient travel rather than the specific highway safety concerns raised by the Council.

Conclusion

22. Although the proposed development would not cause unacceptable harm to either the living conditions of the occupiers of neighbouring properties or the safety of other highway users, these matters are demonstrably outweighed by the significant harm which would be caused to the character and appearance of the surrounding area and the failure to provide satisfactory living conditions for future occupiers. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR