
Appeal Decision

Site visit made on 20 August 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/N5090/W/19/3231007

Rear of 77 Somerset Road, New Barnet, Barnet EN5 1JD

- 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 EDIT Residential against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1757/FUL, dated 15 March 2019, was refused by notice dated 23 May 2019.
 - The development proposed is Erection of a detached 4-bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are the effect of the development upon:
 - the character and appearance of the area, including upon local trees
 - the living conditions of existing occupiers of No 61 and No 63 York Road, with particular regard to outlook and daylight and sunlight.

Reasons

The character and appearance of the area, including upon local trees

3. Dwellings in the area are generally semi-detached and front onto the public highway with modestly sized front gardens. Typically, dwellings fill the width of their plots, but side accesses and driveways provide separation. No 77 Somerset Road has a narrow but deep rear garden, a form repeated amongst most other dwellings in the area. Where a large number of gardens meet, clusters of trees create for a landscaped setting that contributes positively to the quality, climate and appearance of the area. This theme is enduring within the layout of immediate residential streets.
4. The appeal site consists of a proportion of No 77's rear garden that is occupied by a swimming pool. I observed from the site visit that the pool area is secluded and encircled by vegetation with very little visibility towards any nearby dwelling.
5. The proposal would introduce a dwelling with a substantial footprint into the site necessitating the clearance of a number of trees and hedgerows. The Council suggest that the new dwelling and its garden would be dominated and

overshadowed by the remaining trees, which could lead in the longer term to applications to prune or fell the trees. Necessary tree works are already described in the submitted Arboricultural report.

6. I do not consider that perceived issues of liveability in terms of overshadowing arising from the trees represent a sufficient reason to withhold permission. Nonetheless these trees provide an important relief from the built environment and are thus key components of the area's character. Reductions to these locally important trees would degrade their collective value, thus harmfully impacting upon the character and appearance of the area.
7. The dwelling would span the entire width of the plot with elevations hard to the site boundaries. This layout would leave no circulation space around the dwelling and would result in a short, squat rear garden. Whilst public views of the appeal site are limited, the appeal proposal would be in stark contrast to the established pattern of development.
8. My attention is drawn to No 85 Somerset Road where back land development has taken place. Whilst I have taken this into account, the presence of one development does not significantly alter the prevailing pattern of the wider built environment. Given its position in relation to other development, the scheme at No 85 would have been unlikely to possess the same features of landscape character value as the appeal site.
9. I conclude that the proposal would have a harmful affect on the character and appearance of the area. This would be contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2016), policies CSNPPF, CS1 and CS5 of the Barnet Core Strategy (Adopted September 2012) and policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012). The policies, amongst other things, seek development that respects local context and enhances quality of local places.

The living conditions of existing occupiers at No 61 and No 63 York Road, with particular regard to outlook and daylight and sunlight

10. The proposal would see flank walls positioned hard on the boundaries with the gardens of neighbouring occupiers. On the eastern side, a two-storey elevation would face the rear gardens of No 61 and No 63 York Road. Even though this is off-set from the boundary, this would introduce a sheer brick wall of substantial depth with little opportunity to soften or screen its appearance. The appeal site is on higher ground compared to these neighbouring dwellings and as such the height of the development would be pronounced.
11. The development would be a stark urban feature, prominent and imposing upon neighbouring occupiers. The result would be a highly visually intrusive development that would cause unacceptable harm to the outlook of neighbouring occupiers.
12. By virtue of its orientation and height, the proposal would result in a loss of daylight and sunlight to the rear gardens of No 61 and No 63 York Road. I acknowledge the loss would be to the parts of the gardens furthest from the neighbouring dwellings and not to habitable rooms. Nonetheless it would be an unwelcome impact of the development as a consequence of its layout and design.

13. The proposal would therefore cause significant harm to the living conditions of existing occupiers of No 61 and No 63 York Road. This would conflict with policies CSNPPF, CS1 and CS5 of the Barnet Core Strategy (Adopted September 2012) and policies DM01 and DM02 of the Local Plan Development Management Policies (2012). These policies seek high quality design that respects local context.

Other Matters

14. The full details of the outbuilding at No 19A Lyonsdown Road are not before me to draw any comparisons with the appeal development. I am also referred to the permission to extend the existing block of flats at No 65 York Road. However, No 65 is in a different context to the appeal site, being an existing and well-established feature of the built environment.
15. I acknowledge the site is in an accessible location within walking distance of shops, services and public transport. The proposal also provides a family home within this built-up area contributing to the housing stock. These are economic and social benefits that are afforded positive weight. The provision of sedum roofs together with the ability to walk to most services represent environmental benefits.
16. However, the proposal would cause harm to both natural and built environments. The harm identified is significant and outweighs the benefits arising from the development. The proposal would fail to meet the environmental objective of sustainable development.

Conclusion

17. For the reasons given above I dismiss the appeal.

David Wallis

INSPECTOR