



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/19/3224021

36 Manor View, Finchley, London N3 2SR

- 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 Javad Oskooee against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/5585/FUL, dated 7 September 2018, was refused by notice dated 21 November 2018.
 - The development proposed is described as an extension – outbuilding at the rear garden.
-

Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

3. The appeal site is part of a garden associated with a semi-detached dwelling which has been subdivided into flats. Although the dwelling fronts Manor View, the garden is an 'L' shape which projects towards Brairfield Avenue. There is a vehicular access to the site from Brairfield Avenue via a roller shutter entrance erected between 2 brick piers. The site itself comprises an area of hard surfacing rather than being a lawn or soft landscaped. Although the site might not be actively used at the current time, there is no indication that it could not be used for parking or other amenity purposes related to the occupancy of the flats.
4. The proposed development includes the erection of an outbuilding with a flat roof on the site which would be used as a games room/studio. It is solely on the basis of this intended use and the outbuilding only being available to the occupiers of the flats for the specified use that this appeal scheme has been assessed. Guidance on the design of back garden buildings is contained in the Council's *Residential Design Guidelines Supplementary Planning Document (SPD)*, including that they should not be too large or significantly reduce the size of a garden to become out of character with the area.

5. The garden is of a large size and the footprint of the appeal scheme would not result in a private amenity space which was unusable. The curtilage of No. 36 would not be overdeveloped if the proposed outbuilding was erected and the remaining garden would be comparable in size to rear amenity spaces of 34 Manor View and 1 Dudley Road.
6. The proposed outbuilding would be set back from Brairfield Avenue with the roller shutter entrance being retained. The height of the proposed outbuilding would be around 2.5 metres above existing ground level. However the overall height is approximately 2.9 metres because the ground level is to be lowered to reflect the level of the retained lawn. The height of the outbuilding would exceed the 2 metre guideline contained in the SPD but this cannot take into account the circumstances of every potential proposal. The large glazed opening facing towards the rear of No. 36 reflects the patio windows to the rear of Nos. 34 and 36.
7. Along the frontage of Brairfield Avenue between Manor Road and Dudley Road, in addition to the roller shutter entrance, there is another roller shutter, fences, brick walls and the flank walls of residential properties located at the junctions. On the opposite side of the road is a brick wall with a wooden panel fence above and a palisade fence. Above these means of enclosure can be seen either the landscaped gardens of the residential properties or the open space associated with a cricket pitch. Within the available views there are no noticeable large outbuildings or similar structures of the scale proposed.
8. When viewed directly in front of the site from Brairfield Avenue the proposed outbuilding would be substantially screened by the roller shutter. At the junction with Dudley Road the appeal scheme would also be substantially screened. However, by reason of scale and height, the proposed outbuilding would be highly noticeable from around the junction of Brairfield Avenue and Manor View. It would be clearly seen above the boundary fences.
9. From this viewpoint, the scale and siting of the proposed outbuilding would introduce a large and incongruous feature within a residential garden where the local context is outbuildings of a smaller size. The appeal scheme would not, therefore, reflect the character and appearance of the streetscene along this part of the road. Further, although 1 Dudley Road has a rendered flank wall, the use of external white render for the proposed outbuilding walls would accentuate its visual appearance.
10. Reference has been made by the appellant to large outbuildings within the gardens of other properties in the surrounding area. With one exception, the outbuildings referred to could not be seen during the site visit because they were substantially screened by vegetation and intervening boundaries.
11. The large outbuilding to the rear of 58 Manor View, which is close to the junction of Rosemary Avenue, was observed during the site visit. The full planning circumstances of this outbuilding have not been provided. However, because of its siting close to the road, scale and external materials this other scheme is an incongruous addition to the streetscene. In common with Brairfield Avenue, large outbuildings are not part of the streetscene along Rosemary Avenue. For these reasons, limited weight is given to this other scheme in the determination of this appeal.

12. For the reasons given, 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 SPD. Amongst other matters, these policies require development to represent high quality and respect local context.

Living Conditions

13. The shared boundaries between the appeal site and neighbouring residential properties are defined by a mix of fences and vegetation of varying heights. The Council's reasons for refusal specifically refers to the effects of the proposed development on the occupiers of 34 Manor View and 1 Dudley Road. Although the comments of the occupiers of 3 Dudley Road have been carefully considered, the limited length of the shared boundary and the off-set outlook from the rear of No. 3 means there are no reasons to depart from the Council's assessment that no unacceptable harm would be caused to the occupiers of this property.
14. As identified by the appellant, there are no objections to the proposed development from the occupiers of No. 34 but I am mindful that others could occupy this property at a future date. The principle outlook towards the site is from the ground floor windows of No. 34, including a patio window. The proposed outbuilding would project above the wooden boundary fences and it would be a noticeable feature in the outlook from these windows.
15. However, between the windows and the appeal scheme there are areas of landscaped garden and parking. An open outlook would substantially remain across these areas from the windows of No. 34. Accordingly, and taking into account the outbuilding's size and height, there would be sufficient separation distance to avoid the proposed development being visually dominant or overbearing for the occupiers of this property. The separation of the garden from the appeal site by the parking area and the availability of views above the side fences would ensure that an undue sense of enclosure would not arise if the occupiers were in their garden. The same separation distance considerations apply to the outlook from the rear windows of 38 Manor View.
16. The proposed flank wall of the outbuilding would be sited adjacent to the shared boundary with No. 1. Although no measurements have been provided, the flank wall would extend along just under half the length of this boundary and would project above the fence by around 0.7 metres according to the Council. As noted previously, the height of the proposed outbuilding would exceed the 2 metre guideline in the SPD but this alone is not a reason for this appeal to fail.
17. The appellant has identified that alterations have been approved to the rear of No. 1 and construction works were being undertaken during the site visit. Based upon the limited evidence provided, these alterations would not increase the projection of the rear elevation further into the garden of No. 1. When measured from Drawing No. 0118-101, the separation from the rear elevation to the shared boundary is around 9 metres.
18. However, although the separation distance would not be large and the outbuilding would project above the boundary fence, because the proposed

flank wall would extend along less than half the shared boundary's length there would not be an undue sense of enclosure for the occupiers of No. 1. There would also remain outlooks from the garden over the side boundaries. Accordingly, the proposed development would neither be visually dominant nor overbearing resulting in a significant loss of outlook for the occupiers of No. 1.

19. On this main issue it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, specifically the occupiers of 34 Manor View and 1 Dudley Road, and as such, it would not conflict with DMP Policy DM01 and the SPD. Amongst other matters the policy and SPD refer to an adequate outlook for adjoining occupiers and for back garden buildings to minimise the impact on neighbouring properties. As part of this main issue, a specific conflict with CS Policy CS5 concerning the character of the place has not been identified.

Conclusion

20. Although the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, specifically the occupiers of 34 Manor View and 1 Dudley Road, this matter is demonstrably outweighed by the significant harm which would be caused to the character and appearance of the surrounding area. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR