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## Appeal Decision

Site visit made on 9 October 2019

**by R Lankshear BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 November 2019**

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**Appeal Ref: APP/N5090/W/19/3234037**

**Rear of 50 Manor Road, Barnet EN5 2LF**

- 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 Chris Goodspeed against the decision of the Council of the London Borough of Barnet.
  - The application Ref 19/1122/FUL, dated 26 February 2019, was refused by notice dated 3 May 2019.
  - The development proposed is the erection of a single storey, two bedroom dwelling house to rear of 50 Manor Road.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have amended the appeal address in the banner heading above to reflect that on the decision notice, as this more accurately describes the position of the site than detailed on the planning application form.

### Main Issues

3. The main issues are the effect of the proposed development on i) the character and appearance of the area; ii) living conditions of occupiers of neighbouring properties with regard to privacy; and future occupiers of the appeal dwelling with respect to outlook and privacy.

### Reasons

#### *Character and appearance*

4. The appeal site forms land to the rear of Nos 49 and 50 Manor Road, with a public footpath running to the east. The site is enclosed by a close boarded fence that separates it from the garden and parking areas serving the aforementioned properties. To the south of the appeal site, the general pattern of development to the eastern side of Manor Road comprises of semi-detached dwellings fronting the road, with gardens devoid of significant development. To the north are flatted blocks that include accommodation and garaging facilities to the rear of the established road frontage.
5. The new dwelling would not have a street frontage and as such would not respect the established and distinctive pattern of development within the area, where the vast majority of dwellings have a frontage facing the road. Whilst I

- acknowledge the built form to the north including the garage blocks and flatted development to the rear, these are anomalous and not typical of the character of much of the wider area that generally comprises of suburban dwellings with generously proportioned rear gardens.
6. My attention has been drawn to previous appeal decisions at the site. As detailed by the Inspector dealing with previous appeal APP/N5090/A08/2087002 I consider that despite the change of pattern of development northwards of the appeal site including the garage blocks, the general sense of openness and verdancy remains along the footpath running to the rear of the appeal site. Whilst trees and views of the sky contribute to the openness as contended by the appellant, the lack of built form to the rear of the host property and gardens of those to the south, contributes significantly to the spaciousness enjoyed from the footpath and to the generally verdant character.
  7. I acknowledge the design approach adopted, including materials and single storey mass, has sought to reflect buildings that may be found within a garden setting and is different from previous proposals at the site. However, the introduction of the appeal development would be evident from neighbouring gardens and from the footpath and significantly separated from frontage properties. Noting this, coupled with the intensity and nature of the proposed use, the appeal development would cause significant harm to the largely undeveloped, open and verdant character as experienced from the rear footpath. As such although largely obscured from view from Manor Road by the existing pattern of development, the appeal development would be at odds with the predominant character and form of residential development in the surrounding area, representing a conspicuous and discordant addition in its context.
  8. Whilst the appellant indicates that a number of larger trees would be maintained within the site, on the evidence before me I am not persuaded that this would be the case. Furthermore, I am not persuaded that the suggested landscaping scheme or use of a green roof would adequately mitigate the harm identified above, particularly in the short to medium term.
  9. The appellant has drawn my attention to examples of their work and other appeal decisions within the London Borough of Barnet, although from the information before me these are not within the same street or within the immediate vicinity of the site. I am not satisfied that the circumstances are directly comparable to the site in question, including the pattern or character of development and relationship with the public domain. In any event, I have determined the appeal on its individual planning merits and within its particular context. As such the referenced examples do not alter my findings that the proposal would be at odds with the character of existing built form and visually intrusive particularly when viewed from the footpath to the rear.
  10. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such it would not accord with policy DM01 of the Development Management Policies Development Plan Document 2012 (DMP) that seeks, amongst other things that development should preserve or enhance local character and respect the pattern of surrounding buildings; policies CS4 and CS5 of the Local Plan Core Strategy 2012 (CS) that seek, amongst other things to prevent development

that undermines suburban character and respects local context; policy 7.4 of the London Plan (2016) that seeks development that has regard to the pattern and grain of existing spaces; the design aims of the National Planning Policy Framework, including that within Chapter 12 and the advice contained within the Local Plan Residential Design Guidance Supplementary Planning Document 2016 (SPD) and the Sustainable Design and Construction SPD 2016.

### *Living conditions*

11. The dwelling would be situated within close proximity of the existing boundary fence serving 49 Manor Road. However, the windows within this elevation are at high level serving circulation space, a bathroom window indicated as being obscure glazed and an entrance door. Acknowledging the nature of these openings, the rooms they are intended to serve, the single storey height of the proposal and separation from the rear of Nos 49 and 50 Manor Road, I consider that the proposal would not result in an unacceptable loss of privacy for occupiers of the neighbouring properties to the west.
12. The proposal would introduce windows serving the principal area of living space within approximately 18 metres of the boundary with 51 Manor Road. Although the appeal development would be at a higher level, given the separation from the boundary and dwelling itself, I do not find that the appeal development would result in an unacceptable loss of privacy for occupiers of No 51.
13. With regard to outlook for future occupiers of the dwelling I acknowledge that the windows identified would be in close proximity to either the boundary fence or garage block serving Baronsmere Court. However, the identified windows to the western elevation serve non-habitable rooms, whilst the living room served by the window within the northern elevation would also benefit from a large south facing opening fronting onto the proposed private garden area serving the property. Noting this and that the other identified habitable rooms (bedrooms) would also front onto this private garden area, the proposal would provide future occupiers of the dwelling with an adequate and satisfactory form of outlook.
14. Turning now to overlooking from neighbouring gardens, noting the nature of openings within the western elevation; the relative position of those serving habitable rooms and the proposed outdoor garden area of the property, I am satisfied that the privacy of future occupiers would be adequately safeguarded, including through the provision of an appropriate scheme of enclosures.
15. I acknowledge concern with regard to the impact from noise and disturbance resulting from increased movements along the access drive and the introduction of an additional residential unit. However, I do not consider that the addition of a single dwelling adjacent to an existing shared parking area within an established residential area would generate substantial levels of activity, over and above the existing situation or that would be at odds with that expected in such a suburban context. As such I am not persuaded that the appeal development would result in an unacceptable detriment upon living conditions of neighbouring properties by virtue of noise and disturbance.
16. For the reasons outlined above, I conclude that the appeal development would not lead to any significant impact upon living conditions of occupiers of neighbouring residential properties or future occupiers of the appeal development. The appeal proposal would therefore accord with the living

conditions aims of policy CS5 of the CS, that seeks to, amongst other things, protect and enhance gardens of residential properties; policies DM01 and DM02 of the DMP that seek to, amongst other things, allow for adequate privacy and outlook for adjoining and potential occupiers; and the advice contained within the Residential Design Guidance SPD and Sustainable Design and Construction SPD.

### **Other Matters**

17. The appellant contends that there is no evidence that the proposals would have a negative ecological impact and could, subject to conditions, result in some enhancement. Although I acknowledge that this may be the case, on the evidence before me, I am not convinced that this alters my conclusions on the main issues above.
18. The appellant contends that the proposals would improve the parking layout adjacent to the site; would not result in significant increase demand for parking; would not result in a loss of garden space and would provide adequate garden space for future occupiers. Whilst these matters are noted, I do not consider that they alter or outweigh my findings with regard to the first main issue.
19. None of the other matters raised outweigh or alter my conclusions on the main issues.

### **Conclusion**

20. Whilst the proposal would not cause harm to the living conditions of occupiers of neighbouring properties or future occupiers of the appeal development, it would nonetheless result in a significant impact upon the character and appearance of the area. The latter is a matter of overriding concern and I therefore conclude that the appeal should be dismissed.

*Robert Lankshear*

INSPECTOR