



Appeal Decision

Site visit made on 8 October 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/N5090/W/19/3234324

34-36 Queen's Parade, Friern Barnet, London N11 3DA

- 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 Pietro Sabatella against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1273/FUL, dated 7 March 2019, was refused by notice dated 2 May 2019.
 - The development proposed is described as a one storey extension to form two flats and part change of use of ground floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of existing occupiers at 31 and 32A Queen's Parade Close with specific reference to outlook and daylight and sunlight;
 - Whether the element of the proposed first floor extension above No 34 Queens Parade would provide suitable accommodation for future occupants and comply with amenity and parking standards set out in the development plan.

Reasons

Character and appearance

3. The appeal site is a single storey building which forms the end units of a parade of shops. The surrounding area is predominantly characterised by two and three storey buildings which have commercial uses at ground floor level and residential flats above. The area is busy with road traffic due to its location adjacent to the road junction of Friern Barnet Road and Colney Hatch Lane.
4. The building frontage includes a detailed parapet above the door of No 36 with similar detailing replicated along the frontage of the parade. The detailing of the parapet makes a positive contribution to the character of the area by adding interest to what would otherwise have been a relatively plain frontage. The proposed development would result in the loss of this detail, and whilst the

- plans show some new detailing at first floor ridge height that is referential to the existing, this is smaller in scale. It would also be less visible in the street scene to either pedestrians or passing traffic due to its height. As a result, this would reduce opportunities for this detail to be appreciated and thereby diminish its positive contribution to the character and appearance of the area.
5. The proposed development would project the building upwards by a further storey following the footprint of the existing building. The nature of the extension and its projection without any form of set-in would not give sufficient indication of subordination to the existing building. This would result in bulky front and side elevations to the building with limited detailing. The creation of the parking spaces at ground floor level would also remove further detail on the ground floor flank wall, compounding the bulky appearance of the side elevation. As this wall is located on a prominent corner of the building, it would be highly visible in the street scene. As such, I consider the bulky appearance on a prominent corner of the building would harm the character and appearance of the area.
 6. The addition of the proposed first floor development, would result in a form of development that would remove the sense of transition between the current single storey building the adjacent two storey building and reducing the variety of building heights and styles on Colney Hatch Lane. The existing flank wall of Queen's Parade currently provides a reference point in the evolution of development in the area and as such, makes a positive contribution to local character. Although the development would still provide a 'step down' from Queen's Parade, the overall height of the proposal would only allow some limited parts of the flank wall of Queen's Parade to remain visible. The extent of this step would be significantly reduced and would result in harm to the character and appearance of the building and the area. Whilst similar materials and fenestration would be used, this would not be sufficient to offset the harm identified.
 7. In light of the above, I conclude that the proposed development would result in harm to the character and appearance of the area. This would be contrary to Policies 3.5, 7.4 and 7.6 of the London Plan (2016), Policy CS5 of the Barnet Core Strategy (2012) ('the CS'), Policy DM01 of the Barnet Development Management Policies Development Plan Document (2012) ('the DMPDPD'), and the Residential Design Guidance Supplementary Planning Document (SPD) (2016) which seek for development to enhance the quality of local places, have regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, be of the highest quality, and respect local context, preserve and enhance local character.
 8. The proposal would also fail to comply with paragraph 130 of the National Planning Policy Framework which indicates that development should be refused where it fails to take the opportunities for improving the character and quality of an area.

Living conditions of existing occupiers

9. The building is in close proximity to a number of other residential flats at first floor level at both Queen's Parade Close and No 1 Priory Villas. No 1 Priory Villa is separated from the appeal property by the width of the highway at Queen's Parade Close which provides a reasonable separation distance. The only window that would be introduced into the side elevation closest to No1 Priory

Village would be from a stairwell. As such, any impact on No 1 as a result of possible overlooking from this window could be addressed by imposing a condition requiring obscured glazing of this window. However, the proposal would introduce additional windows at first floor level from the bedrooms and lounge that would be in close proximity to windows at Nos 31 and 32A Queen's Parade Close. Whilst there is disagreement between the parties as to the distances between the existing and proposed flats, the rear flat would nonetheless have views across into Nos 31 and 32A at first floor level. I consider that the proximity of the windows, their orientation and lack of any intervening screening would result in overlooking to Nos 31 and 32A. I do not consider that the overlooking could be adequately mitigated by the imposition of conditions requiring obscured glazing to the windows in the rear elevation as this would result in unsatisfactory outlook from the proposed flat itself.

10. The proposed development would be sited directly to the south of the flats at Queen's Parade Close. There is a small courtyard to the rear of the ground floor commercial properties, and the proposed development being at first floor level would result in an increased enclosure of this area. Whilst the design of the roof slope has lower ridge height than the adjoining buildings on Queen's Parade, there would be a reduction the availability of daylight and sunlight to the windows in the south elevation of Nos 31 and 32A due to its positioning in relation to the sun's path throughout the day. This would result in an unacceptable reduction in the availability of daylight and sunlight into Nos 31 and 32A that would result in the proposed development harming the living conditions of current and future occupiers. Furthermore, as it is not clear what the intended use of the space above No 34 is to be, I am unable to assess the effect on the living conditions of neighbouring occupiers, i.e. whether there is any potential for increase in the scale and intensity of use.
11. In light of the above, I conclude that the proposed development would harm the living conditions of adjoining occupiers. This would be contrary to Policy CS5 of the CS, Policy DM01 of the DMPDPD, and the Residential Design Guide SPD and Sustainable Design and Construction Supplementary Planning Document (2016) which collectively seek to ensure development proposals allow for adequate daylight, sunlight, privacy and outlook and that design solutions should address privacy and overlooking issues.

Suitable accommodation for future occupants

12. The appellant has not provided an indication as to what uses have been applied for in relation to the additional first floor area above No 34 or how such floorspace would be accessed. Only the design of the building's shell has been indicated which I have considered above. Whilst the appellant has referenced a previous proposal from 2009 that indicated this should be residential, the proposed layout has not been shown on the plans nor the use indicated in the description of development.
13. In the absence of a proposed use for the area above No 34, it is unclear whether if a residential or commercial use were proposed it would comply with relevant amenity standards, would provide adequate car parking or be of a scale and intensity of use compatible with the area.
14. In light of the absence of evidence in relation to the proposed use above No 34, I am unable to conclude that the proposal would provide suitable accommodation for future occupants. As such it would be contrary to policies

DM01, DM02 and DM17 of the DMPDPD which requires development proposals to be based on an understanding of local characteristics, that development will be expected to meet national and London wide standards and that development should provide parking in accordance with the relevant standards.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR