The Planning Inspectorate

Appeal Decision

Site visit made on 24 September 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 26th November 2019

Appeal Ref: APP/N5090/W/19/3231359
1 Priory Villas, Colney Hatch Lane, London N11 3DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Pietro Sabatello against the Council of the London Borough of Barnet.
- The application Ref 18/6175/FUL, is dated 12 October 2018.
- The development proposed is the formation of 2-bed, 3-person flat to ground floor.

Decision

1. The appeal is dismissed and planning permission for the formation of a 2-bed, 3-person flat to ground floor is refused.

Procedural Matters

2. The application and appeal forms include different spellings of the Appellant's name. I have used the wording from the application form. For reasons of precision, I have also included the street name within the site address above.

3. The Council has not formally determined the application. However, it has confirmed that had it been in a position to do so it would have refused planning permission for reasons relating to the effects on highway safety, the character of the area and the living conditions of neighbouring residents, and whether the proposal would create a satisfactory living environment for future occupiers.

4. It was evident during the site visit that there were discrepancies with the submitted plans. This is also recognised by the Council in its statement of case. However, all inconsistencies relate to the existing upper floor and therefore do not impact on this appeal, which only concerns the proposed ground floor flat.

5. The appellant submitted an amended plan during the application process. This corrected an error relating to a missing window on the floor plan and reduced the onsite parking from three to two spaces. In issues relating to light and outlook, I have determined the appeal against this most recent plan (Drawing no PS.19.103), which shows a window in the living room facing onto Queens Parade Close.

6. However, the amended car parking scheme is new information and has not been subject to formal consultation and may prejudice other interested parties. Therefore, I have assessed issues relating to car parking and highway safety against the original submitted plan (Drawing no PS.18.101).

Main Issues

7. The main issues are:

   a) whether the proposal would provide a satisfactory living environment for future occupiers, with respect to outlook, daylight and sunlight, and external amenity space; and

   b) whether or not the development would be detrimental to highway and pedestrian safety on Queens Parade Close.

Reasons

8. No 1 Priory Villas is situated on the corner of Colney Hatch Lane and Queens Parade Close. The building is attached to the end of a row of two-storey terraced properties. It has undergone previous conversions into flats and work was still in progress at the time of my site visit.

9. The proposal would create a self-contained, two-bedroom, ground floor flat to the rear of the existing property. It would involve the enclosure of the existing undercroft parking area and extension through into a storeroom. The scheme would replace the undercroft car parking area with three new car parking spaces to the rear of the property. These would partly occupy an area of outdoor space associated with the existing flats.

   Effect on living conditions of future occupiers

10. The plans show that one window is to be included within the living/kitchen area. This is the only window for this room and daylight and sunlight would be limited due to its long narrow design and north-westerly aspect. Additionally, the outlook would be poor due to the window facing directly onto the street and the adjacent commercial property.

11. It was clear during the site visit that the scheme would not provide high quality useable outdoor space. The area would lie directly adjacent to the proposed car parking spaces, while its northerly aspect would result in it receiving little direct sunlight. Additionally, there would be no direct access from the flat and the area would have little privacy due to the adjoining windows from the flat above.

12. The appellant recognises in the Design and Access Statement that there would be a shortfall in private external space and proposes a financial contribution towards local off-site open space facilities. The Council does not indicate whether this approach would be policy complaint. In any event, no legal agreement has been submitted to secure any monies and therefore I have attached this matter very limited weight.

13. I therefore conclude that this development would fail to comply with policies DM01 and DM02 of the Development Management Policies[1], the Residential Design Guidance[2] Supplementary Planning Document (SPD) and the Sustainable Design and Construction SPD [3]. Together, these require that development should be designed to allow for adequate daylight/outlook, retain outdoor recreational space and comply with local SPDs.

[1] Barnet's Local Plan (Development Management Policies), Development Plan Document, September 2012.
[2] Barnet London Borough Local Plan Supplementary Planning Document: Residential Design Guidance, October 2016.
[3] Barnet London Borough Local Plan Supplementary Planning Document: Sustainable Design and Construction, October 2016.

Highway and pedestrian safety

14. I have not been supplied with any information regarding the physical extents of the public highway. From my site visit it appears that the 3 car parking spaces would protrude beyond the kerb line and into the live carriageway, thereby obstructing the passage of traffic and pedestrians to the detriment of highway safety.

15. Consequently, this proposal is contrary to policies CS9 of the Core Strategy[4] and Policy DM17 of the Development Management Policies. Together, these require development to take into account safe and effective road safety and parking management.

Other Matters

16. The putative refusal reason makes reference to the potential for noise and disturbance from the proposed development and how this would affect the living conditions of local residents and the character of the street. The Council does not provide any substantive evidence on these points; hence I did not identify them as main issues. It was evident during my visit that this is a busy and vibrant area containing a diverse mix of uses. Taken in this context, the additional activity associated with one additional flat, at the rear of the building and with its entrance at the side, are unlikely to be noticeable. Given the range of commercial and residential properties in the area, the proposal would not have a significant impact on the existing function and character of the street.

17. I have taken into account representations concerning build quality, over-development, bins and sewage, but these are matters which do not affect my findings on the main issues.

Conclusion

18. I conclude that this appeal should be dismissed and planning permission refused.

D Hilton-Brown

INSPECTOR

[4] Barnet's Local Plan (Core Strategy), Development Plan Document, September 2012.