



Appeal Decision

Site visit made on 26 November 2019

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2020

Appeal Ref: APP/N5090/W/19/3237013

Land adjacent to no.1/1A Booth Road, Colindale, London NW9 5JS

- 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 D and Mr S Buckley against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/3584/FUL, dated 27 June 2019, was refused by notice dated 27 August 2019.
 - The development proposed is described as '*construction of one residential dwelling following demolition of existing garage*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Appellant has submitted plans for a new build dwelling with an alternative design. The Procedural Guide – Planning Appeals - England advises that the appeal process should not be used to evolve a scheme. I have therefore made my decision on the plans originally consulted upon and considered by the Council.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of occupiers of 1 Booth Road and 183 and 185 Colindale Avenue including the living conditions of the future occupiers in terms of outlook, light, privacy and amenity space standards.

Reasons

Character and Appearance

4. The appeal site is located on Booth Road within a residential area and is a plot of land approximately 39sqm that houses a brick garage with metal pitched roof. The garage occupies all the site except for a small area of hardstanding in front, as it is set back from the pavement with Booth Road, and adjacent to 1 and 1A. The houses of 183 and 185 Colindale Avenue sit perpendicular to the appeal site with a narrow access path between the two sites. A separate

building is located directly behind the appeal site and under different ownership.

5. The area is characterised by sizable two storey dwellings of traditional brick and slate or tiled roof construction, some with rendered detail and others entirely brick faced. Large, regularly placed fenestration patterns, peaked gable ends to the front elevations, and chimney stacks are recognisable characteristics within the street scene. Immediately to the west of the appeal site, the dwellings were originally built as a row of four with each end house larger with greater design detail, and this pattern of houses is repeated elsewhere on Booth Road.
6. The current garage is well assimilated into the street scene as it is domestic in scale and is most closely associated with the adjacent dwellings and appears subservient to these houses. Furthermore, it appears to be well maintained and functioning as a garage. It is proposed to be demolished to accommodate a new one-bedroom dwelling laid over three floors encompassing the entire plot.
7. The contemporary design of the proposed dwelling would be constructed using aluminium framed glazing and protruding metal balconies with limited use of brickwork to the front elevation. This together with the roof form and fenestration pattern in a street scene where traditional building materials dominates the housing fabric, fails to harmonise with the design cues from houses within the street scene, and the consistent pattern of development which is predominantly two storey housing. Instead, its scale, massing and height and contemporary design with atypical balcony detail, and narrow width, would appear as a discordant and incongruous feature in this location. It would not therefore respect the context and character of the adjacent houses to which it is most closely related, or to the overall street scene.
8. In addition, the lack of continuity between the appeal site and the existing vernacular would be further emphasised given the defining string course feature that runs through the adjacent housing block. However, neither this or the eaves line would correspond with the appeal dwelling. Thus, it would instead highlight the poor relationship between the two sites.
9. The proposed front building line of the development would largely correspond with the adjacent block, however, the area in front would also be used to accommodate refuse and cycle storage with no other external amenity space apart from the overhanging balconies. The National Planning Policy Framework, (the Framework) advocates the efficient use of land. However, given the only small area of unbuilt land to the front, the size of the proposed house in relation to the size of the plot, would result in an unduly cramped form of development.
10. The site is located in an area identified as an Area of Opportunity, and part of the Colindale Area Action Plan (2010) with an acknowledged commitment to deliver new homes and jobs within the area. Despite the fact that the site would be located in a relatively sustainable location in terms of accessibility to public transport links and cycle storage would be provided, together with the proposed use of high quality materials, an internal layout that makes best use of space that is above minimum standards for new housing, I am not persuaded that these attributes justifies the harm to the character and appearance of the area.

11. I accept there are local examples of new tower block developments and new builds exceeding two stories in height, that there are varied residential building scales and some differing architectural characteristics. I am also presented with examples of other new build in-fill housing, but I am not aware of their location in relation to the appeal site or the precise planning circumstances for these. However, and in any event, there is no comparable development to draw reference to. I have thus determined this proposal on its own individual planning merits.
12. The proposal is therefore contrary to Policy CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document (2012) for development to, amongst other matters, respect local context and character as well as the design aims of Policies DM01 and DM02 of the Local Plan Development Management Policies Development Plan Document (2012) (DMLP) as supported by the RDG SPD, including compliance with national guidance including design advice echoed in the London Plan, more specifically Policies 3.5, 7.4 and 7.6. Finally, I consider the proposal would conflict with paragraph 130 of the Framework which states that permission should be refused for development of poor design.

Living Conditions of occupiers of 1 Booth Road, 183 and 185 Colindale Road

13. A pedestrian pathway separates the side wall of the appeal site with the side wall of 1 and 1A Booth Road which includes habitable room windows. The ground floor windows presently overlook the garage and therefore there is currently a restricted outlook. The portion of the proposed dwelling that would eclipse this window would not be significantly different to the relationship that already exists. The second floor windows would not directly overlook the proposed dwelling and the outlook from these windows would be otherwise unrestricted with no significant loss of day light and sunlight likely to arise.
14. First and second floor windows are proposed to the rear elevation of the new dwelling including a bathroom and landing window, and these would overlook the rear garden space associated with the adjacent flats at Booth Road. Only a first floor living room window could potentially reduce privacy levels to the garden, however, this is obscured by an existing shed and therefore would act as mitigation from overlooking.
15. Rear windows at No.'s 183 and 185 look onto the existing boundary fence. I do not consider the additional portion of development that would be visible above the boundary fence to unacceptably harm the outlook from these windows or reduce light levels. Overall, taking account of the location of windows, separation distances, and orientation to the appeal site, I do not consider the living conditions of the occupiers of both dwellings would be harmed by an overbearing or visually intrusive form of development, or result in a sense of enclosure.
16. I therefore conclude that the proposal would not be in conflict with Core Strategy Policy CS5, or the DMLP Policies DM01 and DM02 in their aims to protect residential amenity as supported by the RDG SPD and the Supplementary Planning Document: Sustainable Design and Construction (SDC SPD).

Living Conditions of future occupiers

17. Future occupants would rely on the balconies to provide a source of outdoor space which is limited. Although they could not be considered as providing a reasonable level of privacy from public view due to their positioning, and direct sun light would be limited as they are both north east facing.
18. I am mindful that this proposal is not a family dwelling, and the local area offers access to open space; albeit precise locations have not been provided. The SDC SPD advises amenity space for houses should be provided in the form of rear gardens, but I am also aware that the Council agrees to the use of balconies in appropriate circumstances; that planning obligations could be used to secure external space; and 40m² of external space is required for up to four habitable rooms. The London Housing Supplementary Planning Guidance and Standards 26 and 27 in respect of private open space standards are also relevant, seeking similar provision.
19. I therefore find that the outdoor amenity space would be inadequate to provide an acceptable standard for occupiers, and the proposal would therefore be contrary to DMLP Policy DM02, and both the RDG and SDC SPD's, that seeks to secure acceptable residential amenity.

Conclusion

20. Whilst I have found that the proposal would not harm the living conditions of neighbouring occupiers, I find harm would arise to the future occupiers of the proposed development in respect of private outdoor space. In addition, I have considered the impact of the development on the character and appearance of the area and do not find in favour of the proposal. I therefore conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR