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## Appeal Decision

Site visit made on 6 January 2020

**by E Symmons BSc (Hons), MSc**

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

**Decision date: 22 January 2020**

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**Appeal Ref: APP/N5090/W/19/3238836**

**11 Stapylton Road, Barnet, London EN5 4JJ**

- 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 Seid Shafi (Barnet Auto Centre) against the decision of the Council of the London Borough of Barnet.
  - The application Ref 19/3032/FUL, dated 29 May 2019, was refused by notice dated 24 September 2019.
  - The development proposed is for a front extension and installing MOT equipment to be a motor testing centre.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on:
  - the character of the area, and
  - the living conditions of neighbouring occupiers with respect to outlook.

### Reasons

#### *Character and appearance*

3. In the vicinity of the appeal site the character of Stapylton Road is mainly residential to one side (the west) and more commercial use to the other (the east). The appeal site and the adjacent Wesley Hall at No 9 are the exceptions to this and sit on the corner of Stapylton Road and Carnarvon Road. Wesley Hall however, has a community rather than commercial use which in general and visual terms is more compatible with the residential character. Public views of the side elevations of the garage can be seen from Carnarvon Road, from across and within the Wesley Hall car park and in private views from neighbouring properties.
4. The garage is currently split into three sections, a forecourt to the front and two sloping roofed sections to the rear. The front part has a lower side wall and height than the rear section of the structure. The proposal would increase the height and so the mass of the buildings and shorten the forecourt by moving the building line closer to Stapylton Road. The roof profile would also change from a sloping to a stepped flat roof with the rear section of the building being higher to accommodate the MOT testing part of the building. This increased height and mass would be evident from both the side and the front. The

proposed height and mass would increase the prominence of this commercial business within the predominantly residential part of the street.

5. The proposal includes soft landscaping in the form of planting containers on the roof. However, no details of these have been submitted and it is unclear how they would be maintained. In any case, it is likely that the presence of the planters would further highlight the increased building height and would not mitigate an increase in mass.
6. In support of the proposal the appellant contends that the garage use is existing, and the addition of a MOT testing centre would not result in further noise or disturbance. However, the harm I have identified relates to the character of the proposal within a residential area rather than the introduction of a MOT testing function to the business.
7. Although there are other commercial uses within the area, these are situated on the opposite side of Stapylton Road and screened from the residential streets by a line of trees. The proposed building would not be domestic in appearance and this, combined with its increased height and mass would present an incongruous appearance which would harm the residential character of the area. The proposals would therefore conflict with Policies DM01 and DM02 of Barnet's Local Plan Development Management Policies 2012<sup>1</sup> (DMP), Policy CS5 of Barnet's Local Plan Core Strategy 2012<sup>2</sup> (Core Strategy) and the provisions of the Barnet Local Plan Supplementary Planning Document Residential Design Guidance 2016 (Residential SPD). These policies, together and amongst other matters seeks that development respects the local character.

#### *Living conditions*

8. The rear gardens of 38 to 48 Salisbury Road sit to the south and west of the appeal site. Wesley Hall is to the north east with its car park and side elevation bordering the garage. The existing buildings present a blank wall to the adjoining properties. The proposal would raise the height of the rear part of the building to five metres and the front part to three metres. The increased height is reported by the Council as stretching over 9.5 metres for the rear section and 9.0 metres for the front section. Although the rear part would only be one metre higher than its current height, this increase would be over a considerable distance, as would the raised height of the front part of the building.
9. The Residential SPD recommends that extensions should not result in a harmful sense of enclosure or overbearing impact on adjoining properties. Although this is not a residential extension, the principle is relevant. The proposed increased mass and height would be opposite the rear elevations of the properties on Salisbury Road and adjacent to their outdoor amenity space. This would have an overbearing effect upon the occupants of these dwellings. This view is supported by a previous appeal<sup>3</sup> which related to erection of a detached dwelling on the site. In this case the roof ridge at 5.25 metres high was considered by the Inspector to be overbearing and obtrusive harming the outlook of properties on Salisbury Road.

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<sup>1</sup> Barnet London Borough. Barnet's Local Plan (Development Management Policies). Development Plan Document. Adopted September 2012.

<sup>2</sup> Barnet's Local Plan (Core Strategy). Development Plan Document. Adopted September 2012.

<sup>3</sup> APP/N5090/A/2060149.

10. The appellant has stated that the neighbours have not objected to the proposal however representations have been made. Irrespective of this, even if this had not been the case, this would have been a neutral factor within the planning balance.
11. The proposal is supported by a noise assessment<sup>4</sup> which has recommended noise mitigation. The Council's Environmental Health Officer considers these measures to be adequate and I have no reason to disagree. There are also no highway concerns.
12. Due to the overbearing impact the proposal would have which would harm the living conditions of neighbouring occupiers, the proposal would conflict with Policy DM01 of the DMP and Policy CS5 of the Local Plan. Together and amongst other matters these policies seek that proposals respect the living conditions of neighbouring occupiers through good design, appropriate scale and allow adequate outlook for neighbouring properties and gardens.

### **Conclusions**

13. Although there is an existing garage upon the site, noise mitigation could ensure that the proposal did not result in an unacceptable level of noise and disturbance. However, the harm identified to the character and appearance of the area, in addition to the impact upon the living conditions of neighbouring occupiers both weigh against this proposal.
14. For the reasons stated above, the appeal is dismissed.

*E Symmons*

INSPECTOR

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<sup>4</sup> 11 Stapylton Road (MOT Centre) Noise Assessment. July 2019.