



Appeal Decision

Site visit made on 13 January 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2020

Appeal Ref: APP/N5090/W/19/3239612

Millers Yard, Long Lane, Finchley, London N3 2QG

- 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 George Stoica of OGS Mechanics against the Council of the London Borough of Barnet.
 - The application Ref 19/3508/FUL, is dated 23 June 2019.
 - The development proposed is described as "Erection of single storey extension adjacent to units 9-18 following demolition of existing garages numbered 24-29."
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by Mr George Stoica against London Borough of Barnet. This application is the subject of a separate Decision.

Main Issue

3. The main issues are the effect of the proposal on the living conditions of occupiers of neighbouring properties in regard to noise and air quality.

Reasons

4. The appeal site is currently used as a car workshop and repairs garage which has been in operation for a number of years. The site is surrounded predominantly by residential properties, with some of the properties on Long Lane and Claverley Grove being in close proximity to the location of the proposed building.
5. The building proposed to be demolished has been described as not fit for purpose and is essentially used for storage of both vehicles and equipment. The new building would have similar footprint as the existing building and would be predominantly used for MOT testing purposes. The operations on this part of the site would therefore fundamentally change and activities would increase, given the shift from storage to an operational MOT testing area.
6. The existing building is restricted in its use given its layout and height. The proposed building would be higher and wider than the existing building which would allow for a range of vehicles able to be accommodated in this new structure. The proposal would intensify the use of the current operations at the appeal site which would increase activities within and outside the building

including additional vehicle movements. This inevitably would lead to an increase in noise levels and air pollution above what is currently experienced.

7. The proposed building would be in close proximity to neighbouring residential properties and the intensification of the use of the site as well as the increase in noise levels and air pollution would lead to harmful effects to the living conditions of neighbouring occupiers. No substantial evidence has been provided in relation to the noise levels or air quality, that has led me to a different conclusion that the proposal would not be harmful to the living conditions of the occupiers of neighbouring residential properties.
8. The proposal would have a harmful effect on the living conditions of the occupiers of neighbouring properties with regards to noise and air quality. The proposal would fail to accord with Policy CS5 of the Barnet's Local Plan Core Strategy 2012 and Policy DM01 of the Barnet's Local Plan Development Management Policies 2012 which seek proposals to create high quality places and protect amenity.

Other matters

9. I have had regard to the appellants statement of case including the planning history for the site which details previous planning applications. However, I do not have full details of these other applications and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of relationship with adjoining properties. In any case, I have determined the appeal on its own merits.
10. A number of benefits of the development have been identified which include the provision of employment opportunities in the area and the expansion of a local business which contributes to the local economy. These benefits however do not outweigh the harm I have identified in the main issue.
11. Several other concerns have been raised, including in relation to trees, traffic and parking, character and appearance, light and overshadowing, hours of operation and damage to boundary treatment. I have given careful consideration to these matters but they do not lead me to a different overall conclusion on the main issue.

Conclusion

12. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR