



Appeal Decision

Site visit made on 13 January 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/N5090/W/19/3240313

2 Lyonsdown Avenue, New Barnet, Barnet EN5 1DU

- 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 Mahmood Ranjan against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/3532/FUL, dated 23 June 2019, was refused by notice dated 3 September 2019.
 - The development proposed is demolition of existing garage and erection of a two storey two bedroom house attached to 2 Lyonsdown Avenue, with associated garden and parking areas.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have agreed that a proposed hip to gable and dormer roof extension to 2 Lyonsdale Avenue is lawful development (Ref 18/5108/192, dated 17 September 2018). This has not been implemented, but the fact there is a reasonable chance that this could be implemented is factored into my decision.
3. The drawings incorrectly label the side access gate from Longmore Avenue as being for access to the proposed garden whereas it would actually be for access to the retained existing garden for the existing property. Had I decided to allow the appeal, this could have been corrected by condition.

Main Issues

4. The two main issues are the effect of the development on the character and appearance of the area, and trees.

Reasons

Character and appearance

5. It is proposed to demolish the existing garage and develop a 2-storey, 2-bedroom house to be attached to the side of an existing semi-detached house standing on a prominent corner plot at the junction of Lyonsdale Avenue and Longmore Avenue. The site sits in a residential area characterised predominantly by semi-detached residential properties from the first half of the 20th century, but with a reasonable variety of styles within this over-arching architectural period. There are a number and variety of extensions to

- surrounding properties, including hip to gable roof extensions, large wrap-around dormers and 1 or 2-storey side extensions.
6. The proposed house would respect the front and rear building lines established by the existing house. Although the proposal would add bulk nearer the Longmore Avenue road through a blank flank wall, the existing flank wall is already a blank façade located nearer the road than the established building line of the properties to the west and east, mitigating the impact of this.
 7. Despite the above, the house would represent a significant increase in bulk and mass to the semi-detached building and there is no corresponding extension to the other house of the pair to balance this. Although there are a number of side extensions in the area, the proposed house would be out of character with the area because it would not be sufficiently subservient to the existing house due to a combination of its bulk and mass, and that it would only be slightly narrower and the ridge height of the main roof only marginally lower. I have taken into account that the appellant could implement the 2018 permission which would also unbalance the building, but this would not be to nearly the same extent.
 8. Additionally, and importantly, there is a conflict between the appearance of the development as a 2-storey side extension to an existing house and its actual use as an independent residential unit. The proposal would create a terrace of houses rather than a semi-detached building. The form and function of the proposed house do not read together. The narrowness of the house has compromised its overall appearance as an independent unit, specifically through the appearance of the porch by it being located too near to and projecting beyond the bay window, and the shared driveway with no physical separation, both of which are out of character with the host building and the surrounding area.
 9. The development would result in the sub-division of the existing rear garden of the host house. The retained garden to the host property would still be a substantial size, at 122 sq m, and would remain acceptable. Because of the location of the proposed house directly adjacent to the host property and largely on the footprint of the existing garage and hardstanding, I do not consider the proposal to lead to an unacceptable loss of existing garden area or even to constitute true 'garden development'. However, the proposed house's garden, although of sufficient size at 81 sq m, would be very narrow and this, combined with its location directly on the highway boundary and being wrapped around to the south and west by the retained garden to the host house, would be out of character with the area.
 10. I therefore find the proposal harms the character and appearance of the building and the wider area, failing to comply with the relevant parts of Policies CS4 (Providing quality homes and housing choice in Barnet) and CS5 (Protecting and enhancing Barnet's character to create high quality places) of the Core Strategy 2012 (CS), Policy DM01 (Protecting Barnet's character and amenity) of the Development Management Policies 2012 (DMP), the Residential Design Guidance SPD 2016 (RDG), the Sustainable Design and Construction SPD 2016, Policy 7.4 (Local character) of the London Plan 2016 (LP), and Para 127 of the National Planning Policy Framework (the Framework).

Trees

11. Two oak trees (T1 and T3 as detailed on the drawings) benefiting from Tree Preservation Order (TPO) Ref TRE/BA/34 are located along the northern boundary of the site. Both are substantial oak trees. T1 has suffered some lopping and topping but both it and T3 provide significant visual amenity to the area.
12. The appellant has submitted a Phase II Arboricultural Impact Assessment (AIA), dated 15 May 2019, by a Certified Arborist, which estimates that construction of the proposal would result in an incursion of c.20% of the Root Protection Area (RPA) of T1. No estimate is provided for T3, but it is clear from the Tree Protection Plan Ref 101 355 that there would be some, if more limited, incursion for this tree too. To mitigate the impact of the RPA incursions it is proposed to use mini-piles to be installed under careful supervision by an Arboriculturalist, Temporary Ground Protection (TGP) measures and Tree Protection Barriers (TPP).
13. The Council are concerned that the piling method and other methods may not be sufficient to mitigate harmful damage to T1 and also raise concerns of unforeseen construction impacts. However, no specific evidence is provided by the Council to back up these statements. The appellant's AIA is detailed and well-considered and it explicitly concludes that the impact on the tree roots would be acceptable. The Council also raise concerns regarding re-routing services and re-landscaping of the front driveway, but the driveway is already hard landscaped and the AIA suggests that either thrust boring or hand excavation could be used to mitigate the impact of the re-routing of services.
14. The AIA concludes that T1 would need to be pruned back to the southern crown, both for construction and then regularly moving forwards due to its proximity to the development. The part of the crown of the tree providing most visual amenity, i.e. facing the street, would not be pruned. The proposed pruning would only be back to previous pruning points. Therefore, even though the development would require this pruning to be undertaken regularly, this would be, on balance, acceptable.
15. I therefore conclude that the impact on the two TPO trees would be acceptable if the proposal were subject to control by condition of the construction (to include piling techniques, ongoing monitoring by a qualified Arboriculturalist, the TGP and the TPP) and to require regular pruning of the southern crown of T1. Subject to the conditions, the proposal would comply with the relevant parts of Policy CS7 (Enhancing and protecting Barnet's open spaces) of the CS, Policy DM01 (Protecting Barnet's character and amenity) of the DMP, the RDG, Policy T21 (Trees and woodlands) of the LP, and para 170 of the Framework.

Other Matters

16. I note that the example additional property on a corner plot at 25 Oak Way as identified by the appellant is not a relevant comparison as this is significantly distant from the appeal site and is for a detached dwelling in the rear garden. The appellant also notes an extension of the property immediately to the west - 3 Longmore Avenue. However, although this is a side extension to provide for a new dwelling, the properties are of a significantly different architectural style and this does not provide precedent.

17. It is common ground that the house would provide an acceptable standard of accommodation for future occupiers, and that the living conditions of future occupiers and neighbouring residents would be suitably protected. The driveway would provide a suitable, easily accessible space for car parking, cycle parking, and refuse storage. I find the proposal to be acceptable in all these respects. I note that the detail of the cycle parking, refuse storage, water consumption, carbon dioxide emissions and Part M accessibility issues could all be dealt with by condition if the proposal were otherwise acceptable.

Conclusion

18. I conclude that the appeal should be dismissed.

O S Woodward

INSPECTOR