



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: 14 February 2020

Appeal Ref: APP/N5090/W/19/3239377

Greenview, Hadley Green, Barnet EN5 4PS

- 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 B Lancaster against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/2285/FUL, dated 17 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is demolition of the existing workshop and storage and refurbishment and extension of the existing outbuilding to create a separate dwelling with associated works within the rear garden of the existing property
-

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing workshop and storage and refurbishment and extension of the existing outbuilding to create a separate dwelling with associated works within the rear garden of the existing property at Greenview, Hadley Green, Barnet EN5 4PS in accordance with the terms of the application Ref 19/2285/FUL, dated 17 April 2019, subject to the conditions as set out in Schedule 1.

Preliminary Matters

2. Neither the description of development on the application form nor the decision notice fully covered the proposed works. As such, having had regard to the descriptions made and based on what I have seen and read, I have therefore changed the description of development to better reflect the development proposed.
3. Planning permission Ref 17/0412/HSE was granted on 24 May 2017 for works to the main house and also demolition and replacement of the existing outbuildings on the appeal site to provide ancillary accommodation to the main house. The proposed physical works to the outbuildings are very similar to those proposed as part of the appeal. The main difference is that the appeal is for an independent residential unit. The 2017 permission remains extant and is an important material consideration which I refer to as appropriate throughout the decision.
4. I have not included drawing Ref 1617/P/03 rev A on the approved drawing set because it only details the previously approved scheme. The proposed drawing Ref 1617.P.04 rev B details the previously approved but not yet built works to the Greenview dwelling and the rest of the garden outside of the red line, including demolition of the 'Shed' outbuilding. For the avoidance of doubt, the appeal decision only relates to the works proposed within the red line.

Main Issues

5. The two main issues are the effect of the development on the:
 - Character and appearance of the area, in particular the Monken Hadley Conservation Area; and
 - Living conditions of existing and future occupiers, with particular regard to privacy and amenity space.

Reasons

Character and appearance

6. This part of the Conservation Area has a variety of house types and plot sizes. The rear elevations overlooking a lake within Hadley Green are a particularly attractive and visible part of the Conservation Area, and it is important that development respects this. In this regard, an existing plot has already been sub-divided with a large independent house (Raleigh House) overlooking the lake constructed to the rear of Drakes House further north. There are also two substantial outbuildings to the rear of existing rear gardens, one to the immediately adjacent property and one further north. A variety of plot sizes and layouts, and rear garden development, is therefore an established part of the character of the area.
7. The appeal site itself is the rearmost part of the garden of the Greenview house. This is a fairly substantial plot lying at the end of the developed area of this part of the A1000 and therefore is clearly visible from Hadley Green. The rearmost part of the garden already feels slightly divorced from the main house due to the different character created by the Hay Loft and storage buildings, and the division created by the Workshop and the existing dwarf wall.
8. The physical works are almost identical to those previously approved under Ref 17/0412/HSE, save for a smaller, obscure glazed window to the westernmost elevation, the dividing wall, the bin store and the hardstanding courtyard. The additional physical works are acceptable because the proposed dividing wall is only an increase in height to an existing dwarf wall, the bin store is in a similar location and is much smaller than the existing Workshop to be demolished, and hardstanding within rear gardens is an established part of the character of the area, such as to the neighbouring garden to the north and also at Raleigh House further north.
9. Overall, the proposed works would help to de-clutter this part of the rear garden through the demolition of the storage and Workshop buildings and would improve its physical appearance. Importantly, the proposal would retain the most attractive existing building, the Hay Loft, and would in fact help to refurbish and bring this building back into use. The architectural approach also works well as an independent residential unit, with a courtyard style and industrial design that is well considered. The character reflects the industrial heritage and successfully creates a modern house. The design detail will be important to ensuring a successful development and I am satisfied that suitably worded conditions could control this.
10. The proposed house would have independent access from the track to the south. Greenview would remain within a substantial plot, with a large front courtyard and a fairly substantial, albeit reduced, rear garden. In this context,

and given the established rear garden development to nearby plots, the principle of the sub-division of the existing garden and the creation of an independent unit feels comfortable in design terms.

11. The significance of this part of the Conservation Area is found in the buildings with plots facing both the A1000 road and the lake of Hadley Green to the rear. There is existing sub-division, a variety of plot sizes and substantial buildings to the rear of the rear gardens, by the lake. The site itself already has a number of substantial outbuildings, which would be de-cluttered by the proposals. In this context, the proposal would not harm the character and appearance of the area. Furthermore, in accordance with the statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I find that the proposal would preserve the character of the Conservation Area, as a designated heritage asset.
12. Consequently, I conclude that the proposed development would be acceptable and would not harm the character and appearance of the garden, the host property, or this part of the Hadley Green Conservation Area. Therefore, it would comply with the relevant parts of Policies CS1 and CS5 of Barnet's Core Strategy 2012 (CS), Policies DM01 and DM06 of the Development Management Policies DPD 2012 (DMP), the Adopted Residential Design Guidance SPD 2016 (RDG), and Paragraphs 190 and 192 of the National Planning Policy Framework (the Framework). Amongst other matters, these policies and guidance seek to ensure that development respects, protects and enhances the character, quality and appearance of its surroundings.

Living conditions

13. The proposed house would be 73 sq m and would meet all relevant nationally described space standards for a 2-bed house. The layout around a courtyard is successful. There are large windows and doors to the living/dining area and the main bedroom. The 2nd bedroom only has one relatively small window, but this is south facing and overlooks Hadley Green, mitigating this. There are also two rooflights to this room.
14. There would be some mutual overlooking between the proposed house and the existing Greenview house. The Council concludes that the living conditions of the occupiers of Greenview would be sufficiently protected due to a combination of the obscure glazed window, the ground floor level of the proposed windows, the set back from the shared boundary, and retention of a suitably sized garden. From this evidence, I agree with this conclusion.
15. The impact on the living conditions of future occupiers from the existing house would be acceptable. Overlooking of the main window to Bedroom 1 from the upper floor of Greenview would be mitigated by a combination of things. It would be partially obscured by the northern wing of the development and the proposed garden boundary wall. As such, despite not quite meeting the standards set out in the RDG, it would be sufficiently distant from the nearest window in the existing house (at c.20m) and from the garden boundary (at c.10m) to minimise the extent of loss of privacy. The courtyard would be partially overlooked. However, this would again be partially obscured by the boundary wall and this impact would be mitigated by the ease of access to Hadley Green, which although not private, provides substantial outdoor amenity space.

16. The development is only one storey high where an increase in footprint is proposed and it is set sufficiently distant from the surrounding properties so that its impact on neighbours in terms of outlook, sense of enclosure, loss of sunlight and daylight, or overshadowing would all be acceptable.
17. Consequently, I conclude that the proposed development would provide a suitable quality of accommodation for the future occupiers and protect the living conditions of existing and future occupiers in terms of privacy and amenity space. As a result, it would comply with the relevant parts of Policies CS NPPF, CS1 and CS5 of the CS, Policies DM01 and DM02 of the DMP, the RDG, the Sustainable Design and Construction SPD 2016 (SDC), and Paragraph 180 of the Framework. Amongst other things, these policies and guidance seek to ensure the development proposals are sustainable and protect and enhance the character and amenity of places for existing and future occupiers.

Other Matters

18. I have had due regard to concerns raised relating to other matters not directly addressed in the main issues above. These concerns consider whether there is a five year supply of housing land, sustainability, access, servicing and refuse, parking provision, and accessibility. I now consider each of these in turn.
19. The Appellant has claimed that the Council cannot demonstrate a 5-year housing land supply. However, the only evidence provided to substantiate this claim is a reference from a Monitoring Report that there is a shortfall of 1,900 units with no further background or context to this, or even an accurate description of which year the Monitoring Report is from. Although the Framework makes it clear that it is for the Council to demonstrate that they have a 5-year supply of deliverable housing sites, in this instance the paucity of evidence from the Appellant does not clearly demonstrate to me that the Council have a case to answer. As set out in the remainder of this decision, in this instance the proposal accords with the Development Plan and Para 11 of the Framework does not need to be engaged in any case. I therefore do not need to reach a conclusion on this matter.
20. Planning policy requires that development demonstrate high levels of environmental awareness and contributes to climate change mitigation and adaptation. In this case, the proposal is inherently sustainable as it is for a house in an accessible location on previously developed land. There are no specific targets or measures set out in policy for 'minor' development such as that proposed for this appeal, other than for water use. As such, I find that the Council's suggested condition on carbon dioxide emissions is not justified. However, a condition relating to water use is required in order to comply with Policy 5.15 (Water use and supplies) of the LP and has been imposed accordingly.
21. Vehicular and pedestrian access would be from a track that runs down the southern boundary of the site. This is an existing, public route that already benefits from a dropped kerb access to the A1000. In terms of refuse, a bin store is to be provided adjacent to the access gates and its design and detail could be controlled by condition. Concern has been raised that there is a risk that the development would restrict access along this public track, but I do not believe this to be the case. The proposal would provide a courtyard for parking off of the track, and servicing and refuse collection for one house would be

- infrequent. Therefore, subject to a suitably worded condition, access, servicing and refuse are acceptable.
22. The courtyard provides space for one car parking space, which complies with policy requirements. Two cycle parking spaces are also required and there is space in the courtyard to provide this. Conditions could be imposed to ensure that this space is retained and used for car and cycle parking. As such, the proposal would be acceptable and comply with the Development Plan.
23. The Council have requested that the house comply with Part M4(2) of Schedule 1 to the Building Regulations 2010, i.e. an 'accessible and adaptable dwelling'. This is a policy requirement, as set out in Policy 3.5 (Quality and design of housing developments) and Standard 11 of the Mayor's Housing SPG 2016. This can be controlled by a suitably worded condition.
24. Finally, I note a neighbour objection, which raises concerns about the amenity space of the proposed and existing houses, the requirement to maintain access over the track to the park, and the principle of dividing land in this way in the Conservation Area. The objection also highlights the historic nature of the use of the existing buildings as a Tallow Chandler's shop. Where appropriate, these matters have been dealt with in my overall assessment of the main issues.

Conditions

25. I have had regard to the planning conditions suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance, as set out below.
26. In addition to the standard implementation condition relation to time (1), I have imposed a condition relating to the approved drawings (2) as this provides certainty.
27. Condition 3 is necessary to control construction on this site in close proximity to residential occupiers. For this condition, I have amalgamated the provisions of the Council's suggested vehicle cleaning and Construction Method Statement conditions. The Appellant has stated that the Workshop building is clad in asbestos. As such, I have added specific reference to asbestos to Condition 3.
28. Conditions 4, 5 and 6 are necessary in order to control the detailed design. I have removed the reference made by the Council in Condition 4 to hard surface areas, which are instead covered by Condition 5. Condition 7 is necessary in order to ensure acceptably sized, designed and located refuse and recycling enclosures are provided.
29. Condition 8 ensures that the courtyard is maintained as car parking and Condition 9 requires details of the cycle parking. I have altered Condition 9 to directly refer to the London Cycle Design Standards, as required by Policy 6.9 (Cycling) of the LP. For Condition 10 I have removed unnecessary references to Building Regulations and for mains water requirements that are not set out in policy. Condition 11 ensures that an accessible and adaptable dwelling is provided, in accordance with policy.
30. The Council have requested a condition requiring levels of the development in relation to the track that runs down the southern boundary of the site.

However, the submitted drawings already indicate that the access could be created without changing these levels and this is therefore unnecessary.

31. Conditions 3, 5 and 6 are all 'pre-commencement' conditions. In each case, this is necessary because either the agreed details may influence the detailed design and therefore the construction process, or they are regarding the construction process itself.

Conclusion

32. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal be allowed.

O S Woodward

INSPECTOR

Schedule 1 – Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1617.P.01; P.02; P.04 Rev B.
- 3) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding; measures to prevent mud and debris being carried on to the public highway including provisions made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned; and, ways to minimise pollution, with special regard to the disposal of any asbestos on the site.
- 4) No development shall take place until details of the materials to be used for the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in accordance with the materials as approved under this condition.

- 5) No development shall take place until a scheme of hard and soft landscaping for the site, including details of existing trees to be retained, if applicable, and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

- 6) The house shall not be occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Before the house is first occupied all windows shown as obscure glazed on the approved drawings shall be glazed with obscure glass only, and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

- 7) Before the house is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

- 8) Before the house is first occupied the parking space shown on approved drawings shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
- 9) Before the house is first occupied, two cycle parking spaces in accordance with the guidance set out in the London Cycle Design Standards (or subsequent revisions) shall be provided within the site.

The cycle parking spaces shall be used only in accordance with the scheme approved as part of this condition and not be used for any purpose other than the parking of cycles in connection with the approved development.

- 10) Prior to the first occupation of the house it shall have been constructed to include water saving and efficiency measures to ensure that a maximum of 105 litres of water is consumed per person per day. A fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
- 11) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the house, it shall have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.