



Appeal Decision

Site visit made on 11 February 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/N5090/D/19/3236751

55 Oak Tree Drive, Whetstone, London N20 8QJ

- 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 & Mrs Barry Greally against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/2391/HSE, dated 12 April 2019, was refused by notice dated 21 June 2019.
 - The development proposed is described as the 'demolition of garage and construction of single storey rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garage and construction of single storey rear extension at 55 Oak Tree Drive, Whetstone, London N20 8QJ in accordance with the terms of the application, Ref 19/2391/HSE, dated 12 April 2019, subject to the following 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: 1810-00, 1810-11 Revision A, 1810-12 Revision A and 1810-15 Revision A.
 - 3) The materials to be used in the external surfaces of the development shall match the existing building.
 - 4) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary fence shown on the drawing 1810-15 Revision A has been erected as shown. This protective fencing shall remain in position until the development works are complete. No material or soil shall be stored within the fenced area at any time.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the host building and surrounding area; and
 - ii) whether adequate information is available to assess the likely effect on protected species, and if so the effect of the proposal on such interests.

Reasons

Character and appearance

3. The proposed extension would have an eaves level consistent with the other single-storey elements of the host building. Furthermore, it would have a roof pitch and materials to match. Whilst it would be greater in height than the existing garage and what could be achieved within permitted development allowances, it would not appear out of keeping with the host building.
4. The proposal employs a hipped roof form and would be sited in a recessed position some way behind the front elevation of the dwelling. These factors contribute to it appearing as a subservient extension that would assimilate satisfactorily within the street scene without undue bulk. It would not appear prominent within Oak Tree Drive.
5. I have noted that the garden levels are lower away from the back of the garage. Consequently, at the rear the proposal appears higher than a single storey extension would ordinarily. However, at the back of the housing here I have noted a number of different approaches to extending the dwellings. These include low-profile, single-storey flat roofs and two-storey development. In this context the proposal would not appear excessive in height or unsympathetic to the proportions of the host building when viewed from either the public realm or neighbouring property.
6. Therefore, in conclusion the proposal would not cause harm to the character and appearance of the area. As such the proposal in this regard would comply with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document September 2012 (CS), Policy DM01 of the Barnet Development Management Policies (2012) (DMP), Policies 7.4 and 7.6 of the London Plan March 2016 and the Local Plan Supplementary Planning Document: Residential Design Guidance October 2016 (RDG). The aims of which include securing high-quality design and maintaining local distinctiveness.

Protected species

7. The proposal involves the demolition of a prefabricated concrete garage in order to facilitate the proposed extension. The single detached garage has power and internal lighting, and it is used for domestic storage. It is positioned to the back of the driveway within the rear garden. Beyond the rear garden is a tennis club with associated clubhouse building, car parking and courts. The tennis courts are sited within an enclosed externally illuminated area.
8. The presence of protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat¹. However, paragraph 99 of Circular 06/2005 states that bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.
9. The driveway is laid to hard standing and as such would not support protected species. Furthermore, the Council's ecologist has indicated that the garage

¹ ODPM Circular 06/2005 – Biodiversity and geological conservation – Statutory obligations and their impact within the planning system.

should be surveyed for potential bat roosting and bird nesting. The appellant has provided an extract from good practice guidelines² which indicates that none of the triggers to require a survey are directly applicable. However, I afford this only limited weight given that I do not have the benefit of the whole document and it is a guide to be adapted to local circumstances.

10. I have had regard to Natural England's standing advice for protected species, including all species of bats. This sets out that demolition of buildings can affect bats and surveys should be carried out if records show that there are bat roosts in the site or area. However, whilst I note that the site is near a Site of Importance for Nature Conservation, I have no details of why it has such a designation and no evidence before me that bat roosts exist at the site or in the area. Furthermore, the standing advice indicates that surveys should be carried out if the area includes buildings or other structures that bats tend to use. However, in this case I note that the garage has internal lighting, appears to be regularly used and has single skin panelled walls and roofs. Furthermore, it is a prefabricated structure with steel and sheet materials. The standing advice sets out that you would be less likely to find bats in such a building.
11. Whilst I have applied a precautionary approach, my assessment can only be based on the evidence before me. Based on the evidence, I do not find that there is a reasonable likelihood of these species being present and affected by the development. Furthermore, I am also mindful that the demolition of the garage does not of itself require planning approval. As such, this forms a potential fall-back position to which I afford some weight.
12. Therefore, on balance there is adequate information available to assess the likely effect on protected species, and there is not a reasonable likelihood of the bats and nesting birds being present and affected by the development. As such the proposal in this regard would comply with Policy CSNPPF of the CS, Policies DM01 and DM16 of the DNP, and the RDG. The aims of which include a positive approach to development and the retention, enhancement and creation of biodiversity.

Conclusion

13. I have imposed the standard implementation and approved plans conditions in order to define the terms of the permission. Furthermore, in order to preserve the character and appearance of the area, the external materials shall match the host building and the tree protection fencing shall be provided. I have amended the suggested conditions for the sake of precision. I do not find a condition to require the accommodation to be ancillary to the host dwelling to be necessary as any subdivision would require planning permission. Furthermore, given that it would be no greater than single storey, I do not find it necessary to restrict openings within the development's east elevation.
14. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR

² Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition), Collins, J., 2016