The Planning Inspectorate

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: 18 February 2020

Appeal Ref: APP/N5090/W/19/3236765
173 Friern Barnet Lane, London N20 0NN

- 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 Mrs J Kennedy against the decision of the Council of the London Borough of Barnet.
- The application Ref 19/1725/FUL, dated 22 March 2019, was refused by notice dated 20 May 2019.
- The development proposed is described as the 'sub-division of the house to form 2 houses'.

Decision

1. The appeal is allowed and planning permission is granted for the 'sub-division of the house to form 2 houses' at 173 Friern Barnet Lane, London N20 0NN in accordance with the terms of the application, Ref 19/1725/FUL, dated 22 March 2019, subject to the attached schedule of conditions.

Main Issues

2. The main issues are i) the effect of the proposal on the character and appearance of the area; and ii) whether the proposal provides adequate garden space to ensure satisfactory living conditions for future occupiers of the development.

Reasons

Character and appearance

3. The external works to the building required to carry out the subdivision have been subject to a certificate of lawfulness application[1]. This has confirmed that the insertion of new fenestration in the front elevation, to replace the existing garage door, is a lawful full-back position. Other physical works to the property would be largely internal and would not be discernible as part of the character and appearance of the area.

4. This side of Friern Barnet Lane is characterised by large detached and semi-detached dwellings set back from the road, generally with frontage parking. The appeal site is consistent with this character. It appears as one of the more substantially developed plots, due partly to its forward projecting garage. Furthermore, this and the front porch addition have substantially eroded the original symmetry of the semi-detached pair that the dwelling forms a part of.

[1] LPA ref: 19/1586/192

The insertion of a door and window to the front of the garage would therefore have a negligible impact on the symmetry of the pair. Whilst three dwellings would be attached to one another, they would not appear as a uniform terrace in an area otherwise characterised by detached and semi-detached housing.

5. Additionally, the use of the site as two smaller dwellings would add to the variety and mix of accommodation in the area. Visually, the physical works to the built form would have very little impact. However, I am mindful that the subdivision of the property would potentially add to the domestic paraphernalia through the creation of an additional dwelling. This may include more intensive demands for space at the front, for example through parking and storage. However, such issues have not been raised by the Council and I have no evidence to reach a different conclusion.

6. Finally, the Council has raised concern that the proposal may set a precedent and result in a gradual degradation of the character and appearance of the area. However, each case must be assessed on its own merits, which is what I have done in this matter.

7. Therefore, in conclusion the proposal would cause no demonstrable harm to the character and appearance of the area. As such the proposal in this regard would comply with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document September 2012 (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document September 2012 (DMP), Policy 7.6 of the London Plan March 2016 (LP) and guidance within the Local Plan Supplementary Planning Document: Residential Design Guidance October 2016. These seek, amongst other aims to achieve high quality design, protect local distinctiveness and maximise the opportunity for community diversity.

Living conditions of future occupiers

8. 173 Friern Barnet Lane has a spacious rear garden that is enclosed by fencing and landscaping. Either side, the dwellings benefit from similar private space. Due to the houses along the road occupying much of their width, these rear gardens are not visible from the public realm. However, the absence of development to the rear and the depth of the gardens can be partially discerned from the main road. This contributes positively to the spatial character of the area.

9. From my site visit I was able to observe that the rear garden could be subdivided in a number of ways without any harm to the visual or spatial characteristics of the area. The appellant has provided a plan[2] to show a simple linear subdivision of the site. Whilst the resultant gardens would be narrower than those either side, the spatial characteristics of the area would not be harmed subject to a reasonable boundary treatment that could be conditioned. Furthermore, I am mindful that this could potentially be done through fencing and planting without planning control.

10. Moreover, this subdivision of the existing garden would provide reasonable private outside space for both dwellings. The subdivision would ensure that the future occupiers' living conditions are satisfactory and consistent with the

[2] Drawing ref: 173FBL-01, Amenity Area – Revision B

prevailing conditions within this part of the street. This includes some limited mutual overlooking of back gardens from neighbouring upper floor windows.

11. Therefore, in conclusion the proposal provides adequate garden space to ensure satisfactory living conditions for future occupiers of the development. As such the proposal in this regard would comply with Policies CSNPPF, CS1, CS4 and CS5 of the CS, Policies DM01 and DM02 of the DMP, and Policy 3.5 of the LP. These seek, amongst other aims to ensure the protection of gardens and the provision of appropriate outside space for residents.

Conditions and conclusion

12. The Council have suggested a number of conditions in the event of the appeal being allowed. I have considered these comments and the appellant's response. I have imposed conditions in relation to implementation, compliance with the approved plans and use of matching materials in order to define the terms of the permission and in the interests of character and appearance.

13. Furthermore, I have imposed a landscaping condition in which I have sought to amalgamate the Council's requests for additional details on waste/recycling provision, cycle storage, final details of parking and access, hard surface materials and the rear garden layout and treatments. These items are relevant and necessary in order to maintain the character and appearance of the area and ensure satisfactory living conditions for future occupiers.

14. Additionally, in the interests of sustainable design and construction I have imposed the Council's suggested conditions requiring sound insulation, carbon dioxide emission reductions and water efficiency measures. However, the requirement for a construction and demolition plan is unnecessary given the modest scale of development.

15. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR

Schedule of 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 plan: 173FBL-01 Revision B.

3) The external surfaces of the development hereby permitted shall be constructed in materials to match the host building.

4) Notwithstanding the hereby approved plan, no development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

   i) a final rear garden layout, including any boundary treatments and additional planting;

ii) front garden layout, including vehicular parking (with details of access), boundary treatments, and retained and additional planting;

iii) minor artefacts and structures including cycle storage and waste/recycling storage;

iv) any additional hard surfacing materials;

v) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first brought into use in accordance with the agreed implementation programme.

5) Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

6) Prior to the first occupation of the units, they shall have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through water meters. Furthermore, each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach used to determine the water consumption of the development. The development shall be maintained as such in perpetuity thereafter.

7) Prior to the first occupation of the units, they shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.