
Appeal Decision

Site visit made on 11 February 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2020

Appeal Ref: APP/N5090/W/19/3239225

Land to the rear of 85-87 Hodford Road, London NW11 8NH

- 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 Lambolle Properties Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1904/FUL, dated 28 March 2019, was refused by notice dated 13 September 2019.
 - The development proposed is the erection of three storey building with recessed third floor to provide 3no self contained residential units following demolition of existing garages and outbuildings. Associated amenity space, parking, refuse/recycle storey and cycle store.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of three storey building with recessed third floor to provide 3no self contained residential units following demolition of existing garages and outbuildings and associated amenity space, parking, refuse/recycle storey and cycle store at Land to the rear of 85-87 Hodford Road, London NW11 8NH in accordance with the terms of the application, Ref 19/1904/FUL, dated 28 March 2019, subject to the conditions contained in the Schedule attached to this decision.

Procedural Matter

2. I have used the description of the development as set out in the Council's Decision Notice. This is more accurate than the description set out in the application form.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The proposed development would front onto The Vale, which is a predominantly residential road comprising a wide range of property types and sizes, including two, three and four-storey dwellings. There is a variety of architectural features including bay windows, roof dormers, gable elements as well as various roof designs including hipped, full pitched and mansard roofs. In addition, there is a wide palette of materials including painted render, various types of brick and concrete tiles. Overall, the eclectic mix of properties

- creates visual interest and makes a positive contribution to the character and appearance of this leafy, suburban area.
5. The appeal site currently comprises a small collection of garages and outbuildings. Their state of disrepair and the unkempt appearance of the site detracts from the character and appearance of the area.
 6. The proposed building would be three-storeys in height with the top floor set back. It would have an irregular design with various angles that would assist in breaking up the visual bulk of the building and create some depth. This would be further enhanced by the use of various external materials, including brick, metal cladding and glazing. Overall the building would be of a contemporary design. Whilst properties along The Vale are typically more traditional in design and form, as a result of their wide variety, the introduction of a contemporary building as proposed would further add to the visual interest of the streetscene.
 7. In terms of its size, there are substantial properties within the vicinity of the site, most notably White Lodge adjacent to the site, which is a four-storey apartment block with a significantly greater width and height than the proposal. In terms of building to plot ratio, the proposed building would occupy a larger proportion of the site than many other properties within the locality. However, there are examples of properties where there is a comparable building to plot ratio, including Zero and 18 The Vale. Moreover, the spacing between the building and adjacent neighbouring properties would be generous in comparison with other properties on the street, which are typically closer together. Therefore, within the streetscene, the proposal would appear spacious rather than cramped or overdeveloped.
 8. I have also had regard to the effect the reduction in the size of the rear gardens of 85 and 87 Hodford Road would have on the grain of development in the area. Properties along this side of Hodford Road typically have generous, long rear gardens. However, given the relatively short row of properties that Nos 85 and 87 form part of between White Lodge and the other apartment block on the junction of Hodford Road and Dunstan Road, I do not consider that this grain of development is a particularly dominant characteristic of the area. Overall the size of the retained gardens would be comparable to other properties in the immediate vicinity, including those on the opposite side of the road.
 9. The proposed building would be stepped back from the highway, similar to other properties within the streetscene. Whilst it would sit further forward of Zero The Vale, and therefore screen it from view on approach along The Vale from the east, this would only be briefly and would not unduly compromise Zero's position within the streetscene. The set back position of the upper floor, the use of contrasting materials, and the lower height than Zero would ensure that the building does not appear as an unduly dominant feature within the streetscene.
 10. Overall, I find that the proposal would introduce a well-designed, contemporary building into the streetscene and would complement its mix of building designs and sizes. As such, it would not significantly harm the character or appearance of the area and therefore would comply with Policy DM10 of the London Borough of Barnet's Local Plan Development Management Policies Development Plan Document 2012, which seeks to ensure that new

development preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. It would also comply with Policies CS1, CS5 and CS NPPF of the London Borough of Barnet's Local Plan Core Strategy Development Plan Document 2012, which seek to ensure that new development is of the highest standard of design; respects local context and distinctive local character; and, represents sustainable development. In addition, I find no conflict with the guidance set out in the London Borough of Barnet's Residential Design Guide Supplementary Planning Document 2016.

Other Matters

11. I have had regard to the concerns raised regarding the effect of the proposal on highway safety, in particular the lack of off-street parking proposed. The proposal would provide one off-street parking space and the surrounding roads have restricted parking. However, the site has a PTAL score of 6a (excellent). Therefore, given the accessibility of the site and restricted on-street parking, it is unlikely that many occupants would be car owners. Therefore, I do not consider that the proposal would likely unacceptably increase the demand for on-street parking and therefore would not be significantly detrimental to highway safety. I note that the local highway authority raise no objection to the proposal, to which I attribute significant weight.
12. In respect of disturbance to neighbours as a result of construction works on site, an appropriately worded condition securing a Demolition and Construction Management and Logistics Plan would adequately mitigate such harm.
13. The proposal would have windows overlooking the rear garden area of 83 Hodford Road. However, these are secondary windows and therefore I am satisfied that an appropriately worded condition could ensure that these are fitted with obscure glazing to prevent any unacceptable overlooking of the neighbouring garden.
14. With regard to the effect on the outlook of neighbouring residents and light that they currently enjoy, I am satisfied that the proposed building would be a sufficient distance from shared boundaries, despite the differences in ground levels, to ensure that there would not be any unacceptable harm in respect of these matters.
15. The entrance to the building would be to the side, near to neighbouring boundaries. However, I do not consider that the use of the entrance by numerous people would have any discernibly harmful effect on the living conditions of neighbouring occupants, with regard to noise and disturbance. Also, as the site is within a built-up residential area, I do not consider that any noise generated by the building's occupants as a result of their day-to-day activities would have any significantly harmful effect on neighbouring amenity.
16. I note the concerns regarding drainage and the potential for the subsidence of neighbouring properties. However, there is no substantial evidence before me that the proposal would have any such effects.
17. The proposal would provide further housing in the locality. Although I note the concerns raised regarding the significant amount of new housing recently constructed in the area, the National Planning Policy Framework seeks to boost

the supply of housing. There is no evidence before me of any impediment in the development plan to additional housing in this area.

18. I acknowledge the strong local opposition to the proposal. However, I do not consider that this is of sufficient weight to justify a departure from the development plan.

Conditions

19. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.
20. For the avoidance of doubt, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
21. In the interests of the character and appearance of the area, conditions are necessary regarding materials, site levels, boundary treatments, landscaping, bin and cycle storage facilities.
22. In the interests of protecting residential amenity and safeguarding highway safety, a pre-commencement condition is necessary regarding a Demolition and Construction Management and Logistics Plan.
23. In the interests of protecting neighbouring residential amenity, conditions are necessary regarding the retained amenity space for 85 and 87 Hodford Road, obscure glazing, restrictions on the use of the roof of the building and sound insulation.
24. In the interests of highway safety, a condition is necessary regarding the proposed parking arrangement.
25. In the interests of public health, conditions are necessary regarding contaminated land, air pollution and carbon dioxide emissions.
26. In the interests of reducing water consumption, a condition is necessary regarding water saving and efficiency measures.
27. Finally, in the interests of ensuring that the development is capable of adaptation for accessibility in the future if appropriate, a condition is necessary requiring the development to be constructed in accordance with Part M4(2) of Schedule 1 to the Building Regulations 2010 (or equivalent).

Conclusion

28. For the reasons given above, the appeal is allowed.

Alexander Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LP-01 Rev 00; LP-02 Rev 01; EX-01 Rev 00; EX-02 Rev 00; PA-01 Rev 02; PA-02 Rev 03; PA-02.01 Rev 01; PA-03 Rev 02; PA-04 Rev 02; PA-05.01 Rev 00; PA-05 Rev 02; PA-07 Rev 02; PA-20 Rev 00; PA-06 Rev 00; and PA-20 Rev 00.
- 3) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) No development other than demolition works shall take place until details of the levels of the building, road and footpath in relation to the adjoining land and highway and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details as approved under this condition and retained as such thereafter.
- 5) The site shall not be brought into use or first 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 carried out in accordance with the details approved before first occupation or the use is commenced and retained as such thereafter.
- 6) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.
- 7) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- 8) 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 building or completion of the development, whichever is sooner, or commencement of the use.
- 9) 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.
- 10) Before the building hereby permitted is first occupied the proposed windows in the west elevation facing Zero The Vale and Hodford Road 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.

- 11) The roof of the building hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
- 12) Before the development hereby permitted 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 carried out in full accordance with the details as approved prior to the first occupation and retained as such thereafter.
- 13) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities including the type of stands, gaps between stands, location of cycle parking and type of store proposed, shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details approved and the spaces shall be permanently retained thereafter.
- 14) Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a revised parking layout plan showing the length of existing crossover to be reinstated to footway and changes to CPZ layout fronting the site including the proposed off-street parking space in the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the hereby approved development.
- 15) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
 - i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction; and,
- x. details of a community liaison contact for the duration of all works associated with the development.

The development shall be carried out in accordance with the approved details.

- 16) Before development commences other than for investigative work a desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
- 17) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.
- 18) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.
- 19) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.
- 20) Before development commences, except for demolition, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be carried out in its entirety in accordance with

details approved before any of the development is first occupied or the use commences and shall be retained as such thereafter.

- 21) 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).
- 22) Prior to the first occupation of the new dwellinghouses hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and 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 should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
- 23) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses permitted they shall all 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) with the exception of a lift. The development shall be maintained as such in perpetuity thereafter.
- 24) Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25 % 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.