



Appeal Decision

Site visit made on 27 January 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2020

Appeal Ref: APP/N5090/W/19/3240390

42 Brookhill Road, New Barnet, Barnet EN4 8SL

- 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 Heron Shamash, on behalf of Bespoke Building Company Barnet Ltd, against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/4011/FUL, dated 27 June 2018, was refused by notice dated 16 September 2019.
 - The development proposed is the demolition of existing bungalow and construction of 7 self-contained units.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing bungalow and construction of 7 self-contained units at 42 Brookhill Road, New Barnet, Barnet EN4 8SL in accordance with the terms of application Ref 18/4011/FUL dated 27 June 2018, and subject to the conditions within the attached schedule.

Procedural matters

2. The site plan has been revised to include an overlay of the footprint of the existing on-site building. This plan adds further detail to the proposal without amending it. Accordingly, I shall take this into account without causing prejudice to any party.

Main Issue

3. The main issue is the effect of the proposed building on the character and appearance of the streetscene and wider surrounding area.

Reasons

4. The appeal site is occupied by a bungalow. This addresses Brookhill Road to the front and the cul-de-sac of Doggetts Close to its rear. Doggetts Close consists of modern three-storey terraced housing. The local area consists of a range of dwelling types, including three-storey flatted development, opposite the site and nearby. There is also a three-storey building diagonally opposite the site that consists of a parade of shops with flats above. Interspersed amongst these buildings are lower density developments of terraced, detached and semi-detached two-storey housing. Accordingly, the existing bungalow appears to be an anomaly with the local context. It is also of an unremarkable design. The appeal site therefore makes a neutral contribution to the character and appearance of the local area.

5. The proposed development would be three-storey with habitable space within its roof-space. The front elevation would have brick and render sections and projecting features. Also, the elevations would include windows to all sides. Accordingly, the proposal would possess a range of design features that would add interest and variety to its elevations.
6. There are some trees within the rear gardens of 1-6 Doggetts Close. These would afford some screening and soften the side view of the proposal to some extent. The proposal would follow the front building line of No 40, whilst standing slightly forward of 1 Doggetts Close. As such, the proposal would adequately respect the front building line and offer a sympathetic transition to the adjacent buildings. This would also follow the established perimeter block arrangement of the area. Rear gardens are of varying depths locally. However, the area does not convey a strong identity of low-density suburban development. Accordingly, the local pattern of development is relatively enclosed. It is a comparatively dense area of build form with limited gaps between dwellings. Moreover, the proposal would maintain an open area of private garden to its rear that would maintain the limited open character observed locally. The proposed design would therefore complement the existing building form.
7. The proposal would project beyond the rear building line of No 40. However, its mass would be partially obscured by adjacent existing buildings. These would limit views of the proposal and reduce the effect of the full extent of its sides from the public realm. Furthermore, the proposed articulation would disaggregate the general perception of its scale and limit its overall effect. Furthermore, the height would be consistent with locally established heights of buildings. Consequently, the proposal would complement the character and appearance of the streetscene and wider surrounding area.
8. Accordingly, the proposal would comply with policies CS1 and CS5 of the Barnet's Local Plan- Core Strategy (CS) (2012). These policies require development to create an accessible, safe and attractive environment and respect the local context. The proposal would also accord with policy DM01 of the Barnet's Local Plan - Development Management Policies, Development Plan Document (DPD)(2012). This policy seeks development to preserve or enhance the local character. Furthermore, the proposal would satisfy policies 7.4 and 7.6 of the London Plan 2016 (LP), which require development to have regard to the pattern and grain of existing streets and spaces and make a positive contribution to the public realm.

Other matters

9. Concerns have been raised in representations in regard to parking and traffic impact. Concern was also raised that the parking would increase traffic locally and this would affect the safety of pedestrians. The proposal would provide 6 car parking spaces, two from the front and the rest from the rear. Capacity for on-street parking would be slightly reduced to accommodate the on-plot rear parking area. However, on-plot parking is an efficient method to accommodate parking requirements. Furthermore, there is no substantive evidence that the minor increase in traffic would have a direct impact on pedestrian safety. Moreover, the proposed parking provision would satisfy Policy DM17, of the DPD, and the Council's Highway Engineer.

10. No trees are identified as being on site. Nearby overhanging trees may require some limited cut-back. These are not protected and whilst affording some limited interest to the street do not make a pronounced contribution to it. Furthermore, in terms of impact on interests of ecology, the Council has only identified that there is a limited possibility that bats may roost within the existing building. Accordingly, a condition requiring a bat survey and mitigation would be appropriate to satisfy this issue.
11. Furthermore, the existing trees on the boundary and the existing dwelling already reduce the rear outlook for occupiers of 1-6 Doggett Close (No 1-6). These obscure some views over the site. Furthermore, the proposed first floor is set away from the side boundary, reducing the impact of the proposal. Also, the separation distance, between the side of the proposal and the rear elevation of No 1-6, would be comparable to existing similar relationships within the estate. The separation distance is considered sufficient to prevent a substantial impact of the outlook of adjacent occupiers. Consequently, the living conditions of adjacent residents would not be significantly affected by the proposal through overshadowing or outlook.
12. In terms of overlooking, the proposal respects the relationship to No 40 by stepping development away from the side boundary. Accordingly, only limited overlooking would occur into neighbouring land and windows. Moreover, the proposed first, second and third floor side windows either serve non-habitable rooms or would be secondary windows to rooms that would be required by condition to be obscurely glazed.
13. Impacts on infrastructure would not be substantive due to the relatively minor scale of development. No evidence has been submitted to indicate how the relatively small proposal would result in a significant effect on carbon dioxide emission levels, the urban heat island or air pollution levels. Furthermore, the proposed intensification of the site would not result in a demonstrable impact of noise or disturbance to the living conditions of local occupiers.
14. Representations have raised concerns in regard to increased surface water flooding from extra hardstanding. However, the extent of additional run-off would be limited and there is no substantive evidence that this would generate off-site drainage or flooding issues onto nearby land.
15. Issues raised in regard to the effect on house prices and on community spirit are of limited weight in the consideration of the merits of the proposal. Furthermore, as I have found that the proposal would be in accordance with the local character it would not contribute to a poor precedent. Also, the Council has not identified a policy requirement to prevent the loss of family dwellings and I have therefore considered the provision of 7 flats on its own merits. Concerns raised in regard to the overcrowding the estate and over population have been considered with respect to parking and character.
16. The Appellant's tree report¹ found the trees on site to be relatively poor-quality specimens. Furthermore, the Council's ecologist raised no objection provided that any decision included a survey for bats within the existing dwelling. I see no reason not to concur with these findings. The proposal would therefore result in no substantial harm to the limited ecology value of the site.

¹ Tree Impact Report, John Cromar's Arboricultural Company Limited 29 September 2019

17. In regard to concerns in relation to air circulation and ceiling heights I have found that the proposal would provide adequate living conditions for future occupiers.

Conditions

18. I have considered the use of conditions in line with the Government's Planning Practice Guidance (the Guidance). The Guidance advises that conditions should be kept to a minimum. These should only be used where they pass the 6 tests as set out by paragraph 55 of the Framework. I shall impose most of the Council's suggested conditions with some amendments and adjustments for clarity. However, I have not included a condition to undertake a road condition survey as this is not necessary to allow the development to take place in planning terms. I have also adjusted the condition relating to pedestrian visibility splays as its provision around the rear parking bays could not be provided without affecting land beyond the Appellant's control. Although, reversing manoeuvres onto Brookhill Road would be beneficial to highway safety, securing this for the rear parking is not sufficiently established by the Council as being necessary.
19. I have also excluded the Council's suggested condition in regard to levels as the submission adequately shows the relationship of the proposal to adjacent land and is therefore unnecessary. I have changed the trigger point for the submission of details for noise mitigation to be required after demolition as it would not be required at a pre-commencement stage. I have also adjusted the requirement for an ecological survey to one for a bat survey for clarity. Also, policy CS13 of the CS states that Carbon Dioxide Emission management only relates to major development. A condition would therefore be unnecessary.
20. Two conditions require details to be submitted at a pre-commencement stage; a construction management plan and a bat survey. These are necessary as pre-commencement conditions as the associated issues would be affected by construction and the initial land forming works. The appellant has agreed to these, following formal notification under Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
21. Subsequently, I have attached the following conditions which are recommended in the Guidance and necessary in the interests of certainty [1 and 2]. I have also attached conditions that would safeguard the character and appearance of the area [3, 7, 9 and 11], would protect the living conditions of existing residents [4 and 10], would protect the living conditions of future occupiers [8], would meet highway safety expectations [6 and 12], would regulate water use in accordance with Policy 5.15 of the LP [13] and meet accessibility requirements of policy DM02 of the DPD and policies 3.5 and 3.8 of the LP [14]. Also, a bat survey is required to ensure that any habitat is suitably identified and mitigated if required [5].

Conclusion

22. For the above reasons the appeal is allowed, and planning permission granted.

Ben Plenty

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 plans: 42BR/PP/SiteA proposed site plan; 42BR/PP/001A Proposed front and rear elevations; 42BR/PP/011 Front street scene; 42BR/PP/008A proposed side elevation; 42BR/PP/009A proposed side elevation; 42BR/PP/007A proposed front and side section; 42BR/PP/003B proposed ground floor plan; 42BR/PP/002B proposed first-floor plan; 42BR/PP/005B proposed second-floor plan; 42BR/PP/006A proposed loft plan; 42BR/PP/elevations; TQRQM18178134402622 block plan; TQRQM18178133159048 location plan.
- 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 implemented in accordance with the approved materials.
- 4) Prior to the commencement of development, a 'Demolition and Construction Management and Logistics Plan' shall be submitted to and approved in writing by the Local Planning Authority. This shall include, hours of access, access and egress arrangements within the site and security procedures; site preparation and construction stages of the development; 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; and 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 and; the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works; 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; noise mitigation measures for all plant and processors; details of contractors compound and car parking arrangements; details of interim car parking management arrangements for the duration of construction; details of a community liaison contact for the duration of all works associated with the development. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) Prior to the commencement of development, (including demolition of the bungalow) a bat survey (including any required mitigation strategy) shall be submitted to and approved in writing by the Local Planning Authority. The site clearance and any mitigation measures shall be implemented in full in accordance with the approved details and completed prior to first occupation of the building.
- 6) Prior to the first occupation of the approved development, the parking spaces shown on Drawing No. 42BR/PP/SiteA shall be provided and shall

- not be used for any purpose other than the parking of vehicles in connection with the approved development.
- 7) Prior to the first occupation of the approved development, details of the means of enclosure, including boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before first occupation or the use is commenced and retained as such thereafter.
 - 8) No development other than demolition works shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.
 - 9) Prior to the first occupation of the approved development, 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. 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.
 - 10) Prior to the first occupation of the approved development, the proposed windows in the side elevations, facing No. 40 Brookhill Road and numbers 1-6 Doggetts Road, shall be glazed with obscure glass and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
 - 11) Prior to the first occupation of the approved development, 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.
 - 12) Prior to the first occupation of the approved development, the vehicular access for parking spaces adjacent to Brookhill Road shall allow for 2.4 metre by 2.4 metre pedestrian visibility splays to the left and to the right of the car parking spaces from a 2 metre setback, from the back of footway, and shall thereafter be maintained free of any visibility obstructions to provide clear visibility above 0.6 metres.
 - 13) Prior to the first occupation of any dwelling a water management strategy shall be submitted to and approved in writing by the local planning authority. This shall include details that require each unit to receive its

water supply through a water meter. The Strategy shall also incorporate water saving and efficiency measures to ensure that a maximum of 105 litres of water is consumed per person per day. The system shall also include a fittings-based approach to determine the water consumption of the proposed development. The agreed water management system shall be implemented in accordance with the approved development and maintained as such in perpetuity.

- 14) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the dwellings they shall be 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 the requirement for an accessibility lift. The development shall be maintained as such in perpetuity thereafter.

End of conditions