



Appeal Decision

Site visit made on 23 September 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/N5090/W/20/3247326

Land rear of 4 Church Hill Road, Barnet EN4 8TB

- 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 T Elia against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/3620/FUL, dated 14 June 2019, was refused by notice dated 23 August 2019.
 - The development proposed is described as construction of a new build one bedroom, single storey dwelling house, with a car parking space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) the effect of the development on the living conditions of neighbouring occupiers, (b) the adequacy of living conditions for future occupiers with respect to natural light, outlook and garden space and (c) the implications for parking and highway safety.

Reasons

Living conditions for neighbours

3. The appeal relates to an irregularly shaped land parcel to the rear of 2a, 4 and 6 Church Hill Road which form part of a parade of shop units with two floors of residential accommodation over. The site is hard surfaced and that part to the rear of nos. 4 and 6 has a storage area with a flat roof that abuts and equates in height to that of a single storey rear extension to the shop units. Access to the site is through an archway alongside an estate agent at no.2a. There is an external staircase beyond the archway leading to the flats over the extension roof; the roof also forms an amenity area for occupiers of the flats.
4. The proposed dwelling would be on higher ground than the extension to the shops and would have two floors. Its eaves would be about 1m above the extension roof and the ridge to its pitched roof about 2.5m above the extension roof. There would be about 9m from the rear windows and doors to the flats over nos.4 and 6 to the ridge. The flats are dual aspect with their main outlook to the front. The proposed dwelling would be clearly visible from the rear of the flats, particularly at first floor level, given the relatively short separation distances, but the proposal's limited massing when viewed from the flats would not result in an overbearing effect or be visually obtrusive.

5. The proposal would not be detrimental to the living conditions of the occupiers of the flats at 4 and 6 Church Hill Road in relation to outlook. It would not be contrary to those parts of Policy CS5 of the Barnet Core Strategy (2012) and Policies DM01 and DM02 of the Barnet Development Management Policies DPD (2012) (DMP) which collectively seek high quality designs that minimise their impact on the local environment and on neighbouring occupiers. There would not be conflict with the parts of the Residential Design Guidance SPD (2016) (RDG) or with the Sustainable Design and Construction SPD (2016) (SDC) which provide guidance on safeguarding neighbours' living conditions.

Living conditions for future occupiers

6. The proposed dwelling would be single aspect with all windows north facing and the upper floor supplemented by roof lights. Outlook from the ground floor would be constrained by raised boundary fences about 3m high. There are mature trees just beyond the northern and western site boundaries which would also restrict light to the dwelling and its forecourt. The SDC at section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The proposal would achieve 14%, according to the Council's calculations, significantly less than the standard set. Whilst this is guidance rather than policy, the SDC is referenced by Policy DM02 on development standards and is a material consideration. The site is located within a dense urban environment in which outlook can be restricted by other structures, but in this case the proximity and height of the rear extension wall, boundary fences and trees combined with a northerly aspect would mean that the dwelling would be unduly deprived of natural lighting and would have a dark and restricted outlook.
7. The plans are unclear on how land in front of the dwelling would be laid out in respect to a garden area and parking. Whilst these matters could be made the subject of a planning condition, given my concerns about light and outlook, it would not be appropriate to do so. Privacy within any dedicated amenity area would be compromised by residents gaining access to the flats above 2a-6 Church Hill Road from the external staircase and using the garden areas on the rear extension to the shop units. There are parks in the vicinity which future occupiers could utilise for outdoor space, but this does not negate the expediency of providing quality amenity space on site whenever possible.
8. The proposal would provide poor quality accommodation for occupiers in relation to natural lighting, outlook and garden space. It would thereby conflict with those parts of Policies CSNFFP, CS1 and CS5 of the Core Strategy and Policies DM01 and DM02 of the DMP which collectively promote sustainable development in an attractive environment designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. There would also be conflict with the RDG and SDC Supplementary Planning Documents that provide guidance on these issues.

Parking

9. There is a dispute between the parties on the applicability of a planning condition to the storage building requiring the land to be used for parking for the shops and flats over; this is not a matter for my resolution. Permission for the proposal would clearly override the planning condition and would result in one parking space for the new dwelling.

10. In my judgement, the site's narrowness would make it difficult to turn a vehicle on site. A vehicle would therefore either reverse from or on to Church Hill Road. This is a busy road, but traffic speeds are low. Moreover, the proposal relates to an existing vehicular access; the site would appear to have been used for parking in the past.
11. The proposal for one parking space would not result in a material change in relation to vehicle movements or in the implications of such movements on highway and pedestrian safety or on the free flow of traffic. The proposal would not therefore be contrary to Policy CS9 of the Core Strategy or with Policy DM17 of the DMP which promote the provision of parking in accordance with adopted standards and the efficient operation of the road network.

Conclusion

12. The proposal would be satisfactory in relation to its effect on the living conditions of neighbouring occupiers and with respect to parking provision and highway safety. But it would result in unsatisfactory living conditions for future occupiers with respect to the receipt of natural lighting, outlook from the habitable rooms and garden space provision. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR