
Appeal Decision

Site visit made on 29 September 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2020

Appeal Ref: APP/N5090/W/20/3252235

17 Alverstone Avenue, East Barnet, Barnet EN4 8DS

- 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 and Mrs Cheung against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/5407/FUL, dated 25 September 2019, was refused by notice dated 31 January 2020.
 - The development proposed is the demolition of the existing dwelling and erection of 2no two storey plus lower ground floor level and rooms in the roofspace dwellings. Associated off-street parking, refuse and recycling and cycle storage.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing dwelling and erection of 2no two storey plus lower ground floor level and rooms in the roofspace dwellings. Associated off-street parking, refuse and recycling and cycle storage, in accordance with the terms of the application Ref 19/5407/FUL, dated 25 September 2019 subject to the conditions set out in the attached Schedule.

Procedural Matters

2. During the determination period for the planning application, the description of the development was altered from the description on the application form. Therefore, I have amended the description of the development in the banner heading to reflect the description provided by the appellants in their appeal form.
3. Since the planning application was determined by the Council, the appellants commissioned an Emergence and Activity Bat Survey to address the Council's second reason for refusal. This report was submitted with the appeal. The Council has had an opportunity to comment on the report and interested parties would have been notified of the appeal. The report does not materially alter the proposal itself, and having had regard to the Wheatcroft Principles and Government guidance, I am satisfied that accepting this report as part of the evidence for the appeal would not prejudice interested parties.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the site and surrounding area; and
 - biodiversity, having particular regard to protected species.

Reasons

Character and appearance

5. The appeal site contains a detached two storey house located on Alverstone Avenue. The surrounding area is predominately residential, although there is a retail shop and railway station entrance opposite the site. The surrounding area is characterised by a variety of house types including semi-detached, detached and terraced properties, which have different styles and designs. As such, there is no overriding uniformity to the designs of the properties along the road.
6. The frontage of the appeal site is unusually wide compared to the nearby properties in the street scene and the existing dwelling only extends across the centre of the site frontage. The road outside the property slopes away from the house towards the neighbouring property No 19 Alverstone Avenue, which sits at a lower level than No 17. To the rear of the site, there are a variety trees and landscaping which gives the rear garden area a verdant nature.
7. The proposal would demolish the existing property and introduce 2 detached properties with lower ground floors and accommodation in the roofspace. The dwellings would be separated from the boundaries of the neighbouring properties by approximately 1 metre. This spacing would be reflective of that found in the surrounding area.
8. The proposed dwellings would roughly follow the building line of the adjacent properties which slope down are staggered along the road. The proposed dwelling nearest No 19 would have a slightly lower roof height than the other proposed dwelling. This would respect the existing street scene, due to the way the road slopes down away from the proposed site, and the staggered nature of the building heights along the road.
9. The existing dwelling has 4 levels of accommodation with highly visible roof dormers. I also note that the neighbouring property at No 15 has accommodation which is split over 4 levels. The proposed dwellings would have 4 levels of accommodation, therefore, this arrangement would not be an unusual feature in the area. Furthermore, the basement levels of the proposed dwellings would not be visible from the street scene. The roofspace accommodation, which would front the road, would have skylights, therefore, the top level of accommodation would not be stark or visually intrusive within the street scene.
10. In terms of the rear elevation, the proposal the ground floor level would project over the basement level and patio area. However, the existing property has a similar type of design feature albeit with an outdoor terrace, as does the neighbouring property at No 15. The design, including the small rear dormer which would subservient, would be in keeping with the overall form and style of the proposed dwellings and would not appear incongruous or unsightly.
11. During my site visit, I observed that the road contained a variety of roof shapes and styles, as such the proposed dwellings would add to the variety along the road, whilst also incorporating features of nearby properties, such as gable roofs. The site could reasonably accommodate 2 dwellings without appearing cramped or overdeveloped, and the spacing between the properties would be broadly similar to the existing pattern of development. Therefore, the

overall design, style and form of the dwellings would not be intrusive or appear incongruous within the street scene.

12. The proposed development would not have a harmful effect on the character and appearance of the site and surrounding area. Therefore, it would accord Policy CS5 of Barnet's Core Strategy (CS) (2012), Policy DM01 of Barnet's Development Management Policies Document (DMP) (2012), London Plan Policy 7.4 and the guidance contained within Barnet's Residential Design Guidance SPD (RDG) (2016). These policies and guidance, amongst other things, require development to be high quality and respond to the local context of the surrounding area.

Biodiversity

13. The Emergence and Activity Bat Survey submitted with the appeal states that the grounds of the site are used for commuting bats, and no emergence was observed. This suggests that there is a likely absence of bats using the building itself, and no further surveys were considered necessary. The Council's ecologist now has no outstanding concerns. From the evidence before me I have no reason to disagree with this assessment.
14. Accordingly, the proposed development would not have a harmful effect on biodiversity, having particular regard to protected species. Therefore, it would accord with Policy DM01 of the DMP, the RDG and the Sustainable Design and Construction SPD (2016). These policies and guidance, amongst other things, require development to retain wildlife habitat and trees.

Other Matters

15. I note that there were concerns raised by interested parties, stating that the proposal would cause additional traffic and parking congestion, that the front paved driveway should be permeable and that the proposed dwellings would have a negative impact on the general environment in terms of drainage and wildlife. However, I do not have substantive evidence before me to support these claims. Therefore, they do not alter my findings above.

Conditions

16. The Council has suggested a number of conditions which I have considered in relation to the advice in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance. I have amended some of the suggested wording to reflect this advice for clarity and precision.
17. In addition to the standard condition which limits the time limit for implementation, I have specified the approved plans for the avoidance of doubt. Given the limited details regarding the external materials, and in the interest of the character and appearance of the street scene, a condition is necessary controlling the external materials of the development.
18. In the interests of character and appearance, as well as biodiversity, conditions are necessary for landscaping, tree retention and protection to be carried out. However, given the scale of the development and the limited amount of existing planting on site, conditions requiring detailed long-term management objectives are unnecessary to make the development acceptable. A condition in relation to mitigation for protected species is necessary to ensure that the

- development includes protective measures to be implemented for bats, and to ensure that they are not adversely affected by the development.
19. A condition in relation to the use of the roofs has been included to ensure that the living conditions of the occupiers of adjoining properties are not prejudiced by overlooking.
 20. I have imposed a number of pre-commencement conditions which the appellant has agreed to. These are necessary to ensure that the trees are adequately protected and to ensure that measures are put in place to protect the potential presence of bats.
 21. The Council has suggested that a condition for a Demolition and Construction Management and Logistics Plan be submitted. However, one has already been submitted by the appellants with the application. As such adherence to it can, therefore, be secured by including a condition.
 22. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. There is no substantive evidence before me to justify the removal of all permitted development rights.
 23. Conditions for refuse collection arrangements, parking arrangements and finished levels in relation to existing levels are not necessary as the details are shown on the submitted plans. A condition relating to details of the location, extent and depth of all excavations for services in relation to trees is not necessary as I am imposing a separate condition around the protection of trees. In addition, a condition relating to a green roof is not relevant to the proposal as it is not shown on the plans. No evidence has been provided to indicate why the water efficiency levels need to be above the building regulation requirements, therefore, it is not necessary.

Conclusion

24. For the reasons set out above, I conclude that the appeal is allowed.

D Peppitt

INSPECTOR

Schedule of Conditions (8 in total)

- 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 approved plans: PA_001 Block and Location plan; PA_002 Existing lower ground floor plan; PA_003 Existing ground floor plan; PA_004 Existing first floor & loft plan; PA_005 Existing roof plan; PA_006 Existing elevations; PA_007/REVA Proposed lower ground floor plan; PA_008/REVA Proposed ground floor plan; PA_009 Proposed first floor plan; PA_010 Proposed Loft plan; PA_011 Proposed Roof plan; PA_012 Proposed front elevations; PA_013/REVA Proposed Rear elevations; PA_014/REVA Proposed side elevations; PA_015/REVA Proposed Section.

- 3) The development hereby permitted shall be carried out in accordance with the submitted Demolition and Construction Method Statement.
- 4) No above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the approved materials.
- 5) The roofs of the development 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.
- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 7) No above ground works shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before the end of the first planting and seeding season, once either of the dwellings become occupied.
- 8) No site works or works in connection with the development hereby approved, shall be commenced until details of the protective measures to be implemented for the bats protected by law, and details of any mitigation measures including the timing of development works and special techniques, has been submitted to, and approved in writing by the local planning authority. The development shall be implemented and thereafter maintained in accordance with the approved details.

*****End of Conditions*****