



Appeal Decision

Site Visit made on 12 October 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 17 November 2020

Appeal Ref: APP/N5090/W/19/3243063

32 Derwent Crescent, Whetstone, London, N20 0QQ

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 Yasir Shaikh against the decision of London Borough of Barnet.

The application Ref: 19/1538/FUL, dated 15 March 2019, was refused by notice dated 18 October 2019.

The development proposed is the construction of a two-storey detached house.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - i) the character and appearance of the streetscene; and
 - ii) the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

Character and appearance

3. Derwent Crescent is generally characterised by two-storey semi-detached dwellings. These dwellings are arranged to face the highway with a generous pattern of spacing in the region of 5 metres in between pairs of dwellings, albeit this space is sometimes occupied by a single storey garage building. Consequently, this results in a relatively open character and provides a beneficial respite in the wider grain of built form. Notwithstanding some variation, the presence of similar form and design together with regular spacing contributes uniformity and cohesion among the dwellings of Derwent Crescent. As such, the appeal site makes a positive contribution to the pattern of development and the overall spacious appearance of the streetscene.
4. The proposal would introduce a sizeable dwelling with a front facing gable element. Albeit No 30 includes a side facing gable, the proposal would differ from the majority of dwellings along Derwent Crescent which mainly have hipped pitched roof structures. Furthermore, the proposal would take up the width of its respective plot, leaving a limited gap between the proposed dwelling and No 30. It would significantly erode the openness to the side of No 30 and would introduce an intensification in built form which is not reflected in the immediate streetscene.

5. My attention has been drawn to Nos 8, 8a and 10 Derwent Crescent. These dwellings occupy a similar width of plot to the proposal. However, these terraced dwellings are positioned towards the opposite end of the road and in my view, they represent an anomaly within the streetscene.
6. I have had regard to the appellant's 'analysis of plot widths' and a development on Sweets Way¹. There are a number of examples of plots with a width size less than 5 metres within the surrounding area. However, in my view, their presence does not justify the proposed development particularly given that the character and appearance circumstances of their surrounding areas is not directly comparable to the appeal site. A comparison is of limited relevance in this instance. I have considered the appeal before me on its individual planning merits.
7. The proposed dwelling would broadly align with the rear build line of No 30 and include a similar fenestration and brick pattern. However, by reason of the constrained width of the appeal site, the proposal would appear unduly cramped within its plot and the streetscene, particularly given its close proximity to No 30 and the need to use the forecourt for car parking, refuse and cycle storage. In this respect, I have had regard to the findings of the Inspector in an earlier appeal². Whilst that previous appeal concerned a three-storey building it sought to retain a limited sized gap between No 30 and the proposed dwelling, which the Inspector concluded would appear cramped and out of character with the neighbouring properties. In my view, the limited gap resulting from the appeal proposal would have a similar effect.
8. Overall, the proposal would appear as a strident, dominant and discordant addition to the streetscene. This effect would be particularly conspicuous given the appeal site's prominent position. The proposed dwelling would be one of the first dwellings visible when approaching from the direction of Britannia Road. Whilst the Council do not appear to be opposed to the use of some contemporary materials, it would nonetheless, enhance the proposal's prominence and incongruity within the streetscene.
9. Accordingly, I conclude that the proposed dwelling would have a harmful effect on the established character and appearance of the streetscene. The proposal would conflict with Policies CS NPPF and CS1 of the Barnet Local Plan Core Strategy (2012)(CS), Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012)(DPD) insofar as these policies seek high quality design that preserves or enhances local character and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. In addition, it would conflict with the Residential Design Guidance Supplementary Planning Document (2016)(RDG SPD) insofar as it concerns the enhancement of local character.
10. The Council's first reason for refusal also cites conflict with the Sustainable Design and Construction Supplementary Planning Document (2016)(SDC SPD), however, the specific conflict with this guidance is not clear to me. I therefore do not attach any weight to this matter.

¹ App Ref: B/04309/14 and 16/4513/RMA

² APP/N5090/A/08/2072627

Living conditions of neighbouring occupiers

11. Given the single storey height of the garage building within the appeal site, the occupants of Nos 7 and 8 Britannia Road presently have a reasonably good outlook from their rear windows and private amenity areas, albeit this is towards the existing flank elevation of No 30 that sits beyond the appeal site.
12. My attention has been drawn to a planning permission (the 2011 permission) that was granted by the Council for a two-storey side extension to No 30³. Whilst the 2011 permission has not been implemented, it is the appellant's case that it sets a principle of development and an acceptable eaves height. I have given careful consideration to this matter, however, there are notable differences between the 2011 scheme and the current proposal. There is a dispute between the parties concerning the footprint of the permitted dwelling, which I have been unable to resolve on the evidence before me. However, from consideration of the appellant's images it would appear that the permitted dwelling was in a position that was set back away from the shared boundary with No 8. I have therefore considered the appeal before me on its individual planning merits.

No 8 Britannia Road

13. The two-storey flank elevation of the proposal would stand in the region of 15 metres from the principle rear wall and some 11.5 metres away from the ground floor extension of No 8, taking the appellant's measurements, which have not been disputed by the Council. This would exceed the minimum separation distances required to prevent overlooking and a loss of privacy. However, whilst the roof of the proposal would slope away from the common boundary and include a lower ridge and eaves height, it would nonetheless include a significant height, width and mass that would be clearly visible from the rear windows and garden area of No 8. Taken together with its close proximity on the common boundary, the proposal would be likely to appear overwhelming, overbearing and unacceptably dominant to the occupiers of No 8, particularly when viewed from its rear ground floor extension and from within the rear garden.
14. In addition, in areas closest to the common boundary, the proposal would result in an oppressive sense of enclosure. Consequently, the appeal scheme would be harmful to the outlook of the occupiers of No 8 and materially compromise their living conditions.
15. Reference has been made to a previous appeal decision⁴ which concerned a three-storey dwelling. However, some time has elapsed since this decision and the mature landscaping observed by the previous Inspector appeared to have been mostly removed at the time of my site visit. Thus, views towards the appeal site from No 8 are presently unobstructed. Therefore, the circumstances as they related to that previous appeal decision do not presently exist and are different to the appeal proposal before me.

No 7 Britannia Road

16. The appeal scheme would be visible to the occupiers of No 7 above the existing boundary treatments and an outbuilding. The single storey element of the

³ Planning Reference: F/00174/11, granted January 2011

⁴ APP/N5090/A/08/2072627

proposed scheme would sit adjacent to the shared boundary. Taken together with the slight orientation of No 7 away from the appeal site, the effect of the proposal would be reduced such that the outlook of the occupiers of No 7 would not be significantly compromised.

17. Overall, I find that the proposal would be unduly harmful to the living conditions of the occupiers of No 8 Britannia Road with particular regard to outlook. The proposal would be contrary to DPD Policies DM01 and DM02 insofar as these policies seek to secure adequate outlook for adjoining occupiers. In addition, it would conflict with CS Policies CS NPPF and CS1 which seek among other things, the highest standards of urban design that create an attractive environment for people to live in. It would also conflict with the guidance of the RDG SPD and the SDC SPD insofar as these require residential amenity to be safeguarded.

Other Matters

18. The appeal site lies in a location with access to shops, restaurants, services and public transport links. It would make use of an underused parcel of land which contains a garage unit that is not fit for purpose, incorporate the use of sustainable materials including solar panels and provide an additional dwelling which would be accessible to wheelchair users at ground floor level. It would be capable of being built out quickly as a self-build project. Economic benefits would be generated during construction and as a consequence of future occupiers of the proposed dwelling utilising local services and facilities. However, the benefits associated with the provision of one additional dwelling would be modest.
19. The appellant suggests that the Council will require an action plan to address a deficit in the supply of housing with regards to the results of the Housing Delivery Test. However, even if this were to be the case, or policies within the local plan were deemed to be out of date, then the weight to be given to the proposal's benefits in respect of the provision of an additional dwelling would increase. However, bearing in mind the modest scale of the proposal this would not be sufficient to overcome the substantial harm that has been identified above in respect of the conflict with the development plan, which would significantly and demonstrably outweigh the scheme's benefits.
20. Whilst the revised Framework seeks to significantly boost the supply of housing, I do not find that the proposal achieves this by the provision of one dwelling. Consequently, I attach little weight to the proposal boosting housing supply.
21. An adequate standard of living conditions, having regard to nationally described space standards, would be achieved for the future occupants of the proposed dwelling. The proposal would maintain adequate levels of privacy and daylight for occupiers of neighbouring dwellings. However, the absence of harm is a neutral matter that weighs neither for nor against the proposal.
22. I accept that previous application and appeal decisions are capable of being material to a proposed scheme and for the reasons explained above, I have indicated where, in my judgment, I have found these to be consistent or inconsistent with the appeal proposal.

Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed.

E Brownless

INSPECTOR