



Appeal Decision

Site visit made on 21 October 2020

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/N5090/W/20/3250956

Garages Rear of 1-5 Campbell Croft, Edgware, HA8 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 Messrs Jacobs, Denton, Matthey, Cohen and Nagrecha against the decision of Barnet London Borough Council.
 - The application Ref 19/5152/FUL, dated 11 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is demolition of 5no derelict garages and erection of a two storey dwelling, associated parking, cycle store, refuse and recycling and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Messrs Jacobs, Denton, Matthey, Cohen and Nagrecha against Barnet London Borough Council. This application is the subject of a separate Decision.

Preliminary matters

3. The application form described the proposed development as demolition of 5 disused garages and construction of single dwelling house. The Council amended the description on its decision notice to 'Demolition of 5no derelict garages and erection of a two storey dwelling, associated parking, cycle store, refuse and recycling and landscaping'. Since the latter is a more complete description of the proposal, I have adopted it in the headings above.
4. For the appellant it is pointed out that there is a conflict in the plans since the house is labelled as being two bedroomed. However, the delegated report and the content of the plans clearly refer to, and show, a three bedroom house. I have dealt with the appeal on the basis of the latter description as I cannot see that this is prejudicial to any party.

Main Issues

5. There are 2 main issues in this case: i) the adequacy of the private amenity space; ii) the effect of the proposal on the established pattern of development and character of the locality.

Reasons

The site and surroundings

6. Campbell Croft is an atypical residential road compared with most in the area. It is a single-sided cul de sac fronted by the flank walls of undistinguished mid 20th century two storey flats at its junction with Purcells Avenue, then in four further blocks to the south of the subject site. Gardens of houses, in the next road, back onto the other side of the road. Campbell Croft is generally a pleasant residential street, but the subject site can reasonably be described as a blight on the area. The disused garages are in a dilapidated state, and debris, comprising all kinds of waste material, is strewn around the site.

Adequacy of private amenity space

7. Bearing in mind the number of bedrooms and the floor area, the appeal dwelling should be considered a family home. With what seems to be the main bedroom on the first floor, it is probably not primarily attractive for older people, as suggested by the appellant. The Council's policy standard of private amenity space for the proposed dwelling is a minimum of 55m², based on a dwelling with 5 habitable rooms¹. The layout plan showing the proposed dwelling is annotated with 'Rear Garden 50.5m²' and 'Front Garden 9.2M²'. However, the officers calculate the rear space to be 44.0m², providing an overall provision of 53.2m².
8. Just taking the rectangle enclosed between the rear fence and a line between both side fences and the back of the house, my measurements from the plan indicate an area of circa 33m² which, taken with the small courtyard outside the third bedroom of some 8m², gives a total amount of useable private amenity area of 41m². Whilst these measurements cannot be regarded as accurate, they suggest that I can rely on the officer's measurements. In this context, I do not consider that the open space at the front of the dwelling should be counted as private amenity space since it would not be private, being close and open to the road.
9. On this basis the Councils policy is not met and my assessment is that the scheme would not provide satisfactory living conditions by way of the reasonable provision of private outdoor space that should be expected.

The established pattern of development and character of the locality.

10. Campbell Croft is somewhat out of character with the general area within which it sits. It appears that it was constructed on what was once the reserved line for a railway that was subsequently abandoned. The result is that most of the dwellings along it have their flank walls to the road, with their fronts facing across an open space. This is in contrast to the usual pattern of development in the surrounding area, which has conventional housing fronting the highway. To that extent it could be said that an innovative approach was taken in its layout and design, responding to the circumstances. Such innovation can certainly be seen in the proposal before me, in as much as it places a dwelling with a reasonably large floorspace on a site not that much larger than the dwelling itself. Save for the matter of private amenity area, I consider that the proposal

¹ See page 5 of Sustainable Design and Construction Supplementary Planning Document 2012: 'rooms exceeding 20m² will be counted as two.'

has succeeded to a large extent, albeit with the need for obscure glazing in part of the window to the principle bedroom.

11. The design is individual, in a modern idiom, which I find pleasing and in keeping with the need to respond to a challenging site. I see no need here to follow the brick built neighbouring houses with their pitched roofs, and clearly following the mock Tudor to be seen in the wider area would not be appropriate. I conclude that it is not harmful to the established pattern of development and character of the locality.

Other matters

12. Concerns are raised about impact on the living conditions of neighbours. Bearing in mind the amount of amenity space enjoyed by adjacent occupiers, the lack of any window that would provide an opportunity for overlooking, and taking into account the small amount of extra activity that the dwelling would bring to its immediate surroundings, I do not consider that there would be any material harm to the living conditions of neighbours.

Conclusions

13. Whilst the appeal proposal can be considered for the most part to be sustainable development, taking an opportunity to utilise a brownfield site, adding to the stock of housing and removing an eyesore, for the reasons that I have set out under the first issue, I consider that the shortcomings of the scheme, in terms of private open amenity space, are such that these positive factors are outweighed. The appeal is dismissed.

Terrence Kemmann-Lane

INSPECTOR