



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: 26 November 2020

Appeal Ref: APP/N5090/W/20/3252325

1 Halliwick Road, Muswell Hill, London, N10 1AA

- 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 Ben Ridley against the decision of London Borough of Barnet.
 - The application Ref 20/0343/FUL, dated 8 January 2020, was refused by notice dated 23 March 2020.
 - The development proposed is the demolition of the existing garage and workshop and erection of two storey dwelling plus basement level and rooms in the roofspace.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application form describes the proposed development as the erection of a new residential house on the site of an existing garage and workshop. However, the Council describes the proposal more fully as demolition of the existing garage and workshop and erection of two storey dwelling plus basement level and rooms in the roofspace. I consider that this better describes the proposal, and I have adopted it in the headings above.

Main Issues

3. The main issues in the case are the effect of the proposed development on: i) the character and appearance of the area and street scene, and ii) on the living conditions of neighbouring occupiers.

Reasons

4. The development plan policies referred to include the Mayor's London Plan 2016, Barnet's Local Plan (2012), which includes the Core Strategy and Development Management Policies Development Plan Documents, both adopted in September 2012. In addition, reference is made to the Council's Residential Design Guidance SPD (adopted April 2016), and the National Planning Policy Framework 2019 (The Framework). Both parties are familiar with these documents so that there is no need for me to make reference in detail here. However, I should mention Policy DM01 (Development Management Policies DPD), which states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

5. The Framework also needs specific mention in that it stipulates that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation; but instead development should be guided by numerous factors including overall scale, density, massing, height, landscape, layout, materials and access, in relation to neighbouring buildings and the local area more generally.

The character and appearance of the area and street scene

6. Number 1 Halliwick Road is an end of terrace Edwardian house (c.1905) with a large garden and an attached garage and workshop to the side. The garden is considerably larger than is generally the case in the area, due to the fact that its curtilage is wedge-shaped, reflecting the fact that the Colney Hatch Lane runs off at an angle to Halliwick Road. The terraced houses have been altered over the years, particularly with regard to the way in which windows are divided into individual panes. The main character of the terrace is now the repetition of bays under low hipped roofs backed by small gables to the main roof. The level of the main roof ridges of the terrace drop down, generally in pairs, reflecting the sloping ground on which they were constructed.
7. The general character of the rest of Halliwick Road is of a mix of Edwardian and post war architectural styles. The wider area follows this pattern, and also features a number of modern infill houses between earlier buildings. However, it is the immediate terrace of which no.1 Halliwick Road forms a part that I consider provides the main context within which to judge the proposed development.
8. The appeal proposal is for accommodation spread over 4 levels: basement, ground, first, and second floors. To minimise the visual impact of the house above ground level, much of the accommodation is proposed at basement level. This floor provides bedroom and leisure spaces, which are lit by courtyard garden lightwells to the side and rear, providing views of the sky and planting, and allowing opening windows for ventilation. The basement connects directly to the rear garden via steps to the main garden level. At ground floor level, whilst the site is narrow at the front, its increased width at the rear allows spaces for living and dining.
9. The scale of the first-floor plan is modest and contains two bedrooms, a study and a compact bathroom. The rear part of the first-floor plan steps away from the boundary wall to minimise the impact on the adjacent house on Colney Hatch Lane. The second floor is restricted to reduce built mass at this level. It has a pitched roof at the front to match the adjoining terrace. The rear dormer window follows the lines of the adjacent approved loft conversion at the host dwelling. There is only a family games room at this level.
10. The restricted frontage and widening of the plot as it angles away has meant that the architect has been creative and innovative in designing a dwelling with this amount of accommodation, within the constraints of the site. In terms of the living space provided in the design, this has produced a family dwelling that is commodious with delightful features. In this sense I consider that the design is highly successful. However, the issue that must be confronted relates to the degree to which it relates to, and fits within the character and appearance of the area and street scene.

11. Because the appeal site has a very narrow frontage to the road, it has been necessary for the design to break away from the repeated features of the terrace, presenting to the street view an entrance door set next to the existing house, within a plain rendered wall, and a window at first floor level that does not relate well to the door below or to the general proportions of the first floor windows in the existing houses. The roof at the front would largely repeat the pattern of the main roof planes of adjoining roofs, which is acceptable. The fact that the return wall is in plain render and stucco, without any openings is not objectionable in itself, but since it breaks away from a right-angle with the front elevation, it would have an awkward appearance in the street scene when viewed from the direction of Colney Hatch Lane.
12. Furthermore, from this direction, when seen across the rear garden of no.136 Colney Hatch Lane, the small amount of pitched roof leading to the dormer running out from the ridge of the main roof, would look incongruous. I appreciate that the host dwelling has a dormer of this nature, but this element of the appeal proposal would stand out in the view from the public domain, and taken with the cramped frontage and arrangement of features that I have referred to in paragraph 11 above, would sit uncomfortably in its setting, and would be harmful to the character and appearance of the area and street scene.
13. Set against this is the presumption in favour of sustainable development (although 'sustainable' has design implications as well as matters of location and energy efficiency, etc), the encouragement in the Framework for small and windfall sites, and the need for more housing in London and the country generally. But in my judgement the conflict with the character and appearance of the immediate area, and the planning policies that seek the avoidance of such an unsatisfactory relationship, outweighs these benefits of the proposal.
14. In coming to these conclusions, I have also taken account of the various examples of other recent developments where modern design sits alongside or within development from the first half of the twentieth century. Naturally, each case must be viewed on its particular merits, but what struck me about the developments referred to is that they either reflected the character of their neighbours to a greater extent than in this case, or were of a scale that enabled them to make a separate visual statement of their own.

The living conditions of neighbouring occupiers

15. It is common ground between the Council and the appellant (officer's report and appeal statement) that:
 - the windows in the proposed dwelling would cause no overlooking of neighbouring properties;
 - the proposal would have no detrimental impact on the amenities of the existing dwelling on the site;
 - the internal floor area of the proposed house (over 300 square metres) would exceed the minimum London Plan standard of 112 square metres for a dwelling of this type;
 - all of the rooms in the proposed house would receive adequate daylight;
 - the outlook from the bedroom windows in the proposed house would be satisfactory;

- the proposed dwelling would provide a larger than average rear garden;
- the proposal would retain sufficient rear garden for the existing dwelling; and
- the proposal would meet the Council's car parking standards.

I agree with these statements.

16. In respect of the future occupiers of the proposed dwelling and its host, I am satisfied that there is no reason to have concerns over their living conditions. Their garden space, outlook and privacy, adequacy of accommodation, would all be satisfactory. The issue here is any impact on the living conditions of neighbours in Colney Hatch Lane. After the matters dealt with in paragraph 15 above, the following remain to be considered: any overbearing impact and increased sense of enclosure for the neighbouring rear gardens and any loss of light for nos.135 and 137 Colney Hatch Lane.
17. As far as the first of these is concerned, the greater proximity of the flank of the proposed dwelling, together with its baulk on the boundary would have a degree of impact on the garden areas of these dwellings. This amounts to a further objection to the proposal. However, I have no evidence to suggest that there would be any loss of light for no.135 or 137 Colney Hatch Lane that would materially affect the quality of the living conditions of their occupants.

Conclusions

18. For the reasons that I have set out above, I conclude that the appeal should be dismissed.

Terrence Kemmann-Lane

INSPECTOR