



Appeal Decision

Site Visit made on 27 October 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal Ref: APP/N5090/D/20/3254306

10 Old Fold View, Barnet EN5 4EB

- 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 Damien Naughton against the decision of London Borough of Barnet.
 - The application Ref 20/0722/HSE, dated 10 February 2020, was refused by notice dated 9 April 2020.
 - The development is an outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding at 10 Old Fold View, Barnet EN5 4EB in accordance with the terms of the application, Ref 20/0722/HSE, dated 10 February 2020, and plan nos. 000-D&V 010 Rev P01, Block/Site Plan at 1:100, and No.01 (Treehouse Plan and Elevations 1:50 @ A2) in appendix four of the statement of case.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The application was submitted retrospectively and I saw at my site visit that the outbuilding had been fully constructed. I have therefore considered the appeal on a retrospective basis.
4. The appellant has submitted an amended plan with the appeal. While the appeal process should not be used to evolve a scheme, the amendments only include the addition of a swing, slide and climbing rope which have been constructed as part of the outbuilding. As the amended plan does not significantly change the development, the Council and interested parties would not be prejudiced by my acceptance of the amended plan. Thus, I have considered the appeal on this basis.

Main Issues

5. The main issues in the appeal are:
 - The effect of the development on the character and appearance of the appeal site and surrounding area; and

- The effect of the development on the living conditions of the occupiers of the neighbouring dwellings in relation to privacy.

Reasons for the Recommendation

Character and Appearance

6. The appeal site is within a residential location occupied by a two-storey semi-detached dwelling with a large garden to the rear. The development subject to this appeal is a children's treehouse/playhouse located in the rear corner of the spacious garden. It is constructed of timber and has a raised platform with a height of 1.8 metres.
7. The development is not visible from the streetscene and therefore has no impact on the character and appearance of the area from the public realm. Although it is a large structure, its timber frame and appearance of a children's playhouse is in keeping with a domestic garden environment and it would not disrupt the established character of the area. Its location is not close to any surrounding dwellings and although the structure may be partially visible from some neighbouring gardens, its informal and modest design is not visually intrusive and it is a minimal addition to the appeal site.
8. Therefore, the development does not result in harm to the character and appearance of the appeal site or surrounding area and would not be contrary to Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (2012) and Policy DM01 of Barnet's Local Plan Development Management Policies (2012). These policies seek to ensure development is to the highest standard of urban design and respects local context.

Living Conditions

9. The structure is located adjacent to the boundaries shared with 23a and 25 Grimsdyke Crescent with some limited soft landscaping located between them. A number of trees in the rear garden of No.25 largely block any views from the raised platform into this neighbouring garden. However, although the dwelling is not visible, there are views into some of the rear garden at No.23 and No.23a. Nevertheless, the purpose of the structure is as a children's playhouse and due to the size of the platform and the stairs used to access it, it is unlikely that adults would be able to freely access or use the structure as a viewing platform or seating area. Moreover, due to the height of the guardrail around the platform, the views into neighbouring properties would be limited for small children. In any case, children's primary activity when on the structure would be play and not overlooking neighbouring properties. Therefore, the development and its use does not result in a significant or unacceptable loss of privacy. Furthermore, though the tower is considerably taller than the boundary fences, its small scale overall means it is not overbearing to neighbouring residents.
10. Consequently, the development does not harm the living conditions of the occupiers of the neighbouring dwellings and would accord with Policy CS5 of and Policy DM01. These policies require development to protect and enhance the gardens of residential properties and allow adequate privacy. Policy DM02 also formed part of the reason for refusal, however it is not considered that any of the development standards listed within this policy are relevant to the appeal before me.

11. The development is not contrary to the Residential Design Guidance Supplementary Planning Document (2016) which states that the design and materials of garden buildings should be in harmony with the surrounding area and their location should minimise the impact on neighbouring properties.

Conditions

12. The Council have suggested conditions it would wish to see were the appeal allowed. The suggested commencement of development condition is not necessary as the development has already commenced. Also, I have referred to the approved plans within the terms of the decision such that a separate condition specifying the plans is not necessary. A condition requiring a soft landscaping scheme was also requested, however it is not considered that this is necessary to make the development acceptable.

Conclusions and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR