
Appeal Decision

Site visit made on 24 November 2020

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 16 December 2020.

Appeal Ref: APP/N5090/W/20/3255599

134 Bells Hill, Barnet EN5 2SJ

- 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 M Murphy against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/1370/FUL, dated 12 March 2020, was refused by notice dated 29 May 2020.
 - The development proposed is the demolition of an existing detached 2 bedroom dwelling and replacement with a 4 bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area; (b) the living conditions of the occupiers of 132 Bells Hill; (c) the safety of other highway users and (d) existing trees.

Reasons

Character and Appearance

3. Planning permission has been granted by the Council to replace an existing 2-storey detached house with a new dwelling (Ref 19/53149/FUL). The full details of this approved scheme have not been provided. However, the existence of this planning permission demonstrates that there is a realistic fallback position to which significant weight is given in the determination of this appeal.
4. The appeal scheme is for a similar type of development. Unlike the approved scheme, the available evidence identifies that there would be a difference in design and form between the replacement dwellings because the proposed development includes a crown roof with a higher ridge.
5. Within the streetscene, the property and the neighbouring detached dwelling are notable features because of the open frontage associated with the parking area for the hospital and the verdant character of the neighbouring burial ground. These detached 2-storey dwellings are modest in size and have pitched roof forms with their gables facing towards the road. The surrounding dwellings have a mix of gabled and hipped roof forms and some of the

properties have been altered by the addition of dormers within roofslopes. The Council's *Residential Design Guide Supplementary Planning Document* (RDG) refers to new development recognising the scale, massing and roof form of surrounding buildings.

6. Although its footprint would be similar to the approved scheme, the proposed crown roof would appear a bulky and visually dominant addition to the replacement dwelling which would result in the proposed dwelling having a top heavy appearance. The crown roof design would be incongruous because it would not reflect the character of other roofs fronting the road, including the simple gable form of the neighbouring dwelling. The harm would be particularly noticeable within the streetscene from the north because of the gradient of the road, the siting of the proposed dwelling close to the footway and the views across the car park.
7. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with Policies 3.5, 7.4 and 7.6 of the London Plan (LP), Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (CS), Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document (DMP) and the RDG. Amongst other matters, these policies require development to represent high quality design and to respect, complement and protect local character.

Living Conditions

8. There are openings at first and ground floor levels within the side elevation of 132 Bells Hill which face towards the appeal property. At ground floor level there are 2 openings within the rear elevation of the single storey addition which face towards this dwelling's garden
9. The 2-storey flank walls of the approved and proposed replacement dwellings would be sited in a similar location as the property's existing side elevation. In the evidence there is no indication that the Council raised any specific concerns about the approved scheme causing an adverse effect on the living conditions of the occupiers of no. 132 Bells because of it being overbearing or causing an unacceptable sense of enclosure. Further, there is nothing to suggest that the 2-storey rearward projection of the proposed dwelling would be materially different to the approved scheme.
10. Accordingly, and although the roof form would be different to the approved scheme, by reason of the fallback position it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 132 Bells Hill and, as such, it would not conflict with DMP Policy DM01, the RDG and the Council's *Sustainable Design and Construction Supplementary Planning Document*. Amongst other matters this policy and related guidance refer to there being an adequate outlook for adjoining occupiers. As part of this main issue, CS Policy CS5 is not of direct relevance because it is concerned with the character of the place. DMP Policy DM02 refers to documents which include living standards but it is unclear from the Council's evidence which documents are most relevant to the determination of this appeal.

Highway Safety

11. Concern has been raised by the Council about the lack of off-street car parking associated with the proposed development. However, the lack of such parking does not appear to have been raised for the approved scheme. Further, it was evident from the site visit that there is currently scope to park 2 vehicles off-street between the existing property and the boundary of the burial ground. This surfaced area would still be available for the off-street parking of vehicles as part of the proposed development. This parking provision would accord with DMP Policy DM17. Accordingly, with the ability to park off-street there would not be an unacceptable interruption of the flow of traffic along the road and no significant issues of pedestrian safety would arise.
12. For the reasons given, it is concluded that the proposed development would not be detrimental to the safety of other highway users and, as such, it would not conflict with LP Policy 6.13 and DMP Policy DM17. This policy requires the safety of all other road users to be taken into account, including refusing schemes that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. CS Policy CS9 is generally directed at providing safe, effective and efficient travel rather than the specific highway safety concerns raised by the Council. LP Policy 6.9 is concerned about provision for cycling rather than vehicle parking.

Existing Trees

13. The RDG requires proposals to take into account of existing features along the boundary, including trees. The Council has identified that inadequate information associated with the proximity of 2 mature trees located within the burial ground has been provided. These trees are a positive feature within the streetscene and contribute to its character and appearance. However, the lack of such arboricultural details does not appear to have been a matter which caused the refusal of the previous scheme. Instead, the protection of the neighbouring trees was the subject of a condition which is required to be discharged by the appellant.
14. On the basis that the footprint and off-street parking area of the replacement dwelling is not materially different to the approved scheme, together with the previous use of a condition by the Council, it is concluded that the proposed development would not cause unacceptable harm to the existing trees and, as such, it would not conflict with the RDG and CS Policy CS1 and CS5, DMP Policy DM01 all of which include references to protecting local character.

Conclusion

15. Although the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 132 Bells Hill, would not be detrimental to the safety of other highway users and would not cause unacceptable harm to the existing trees, these matters are demonstrably outweighed by the significant harm which would be caused to the character and appearance of the surrounding area. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR