
Appeal Decision

Site visit made on 19 January 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2021

Appeal Ref: APP/N5090/W/20/3259147

Land adjacent to 157 Etchingham Park Road, Finchley, London N3 2EE

- 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 Brendan Morrissey of Future Vision Style against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/1361/FUL, dated 12 March 2020, was refused by notice dated 21 August 2020.
 - The development proposed is erection of a detached dwelling following demolition of the existing garages. Associated amenity space, cycle parking, refuse and recycling and parking.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached dwelling following demolition of the existing garages. Associated amenity space, cycle parking, refuse and recycling and parking at Land adjacent to 157 Etchingham Park Road, Finchley, London N3 2EE in accordance with the terms of the application Ref 20/1361/FUL, dated 12 March 2020, subject to the conditions in the attached schedule.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises of a detached block of three shallow pitched garages and a parking forecourt at the rear of two terraced properties with single storey rear extensions situated on a corner plot at the junction of Etchingham Park Road and Squires Lane.
5. It is located within a mature well-established residential area, typically characterised by traditional two storey terraced properties set back from the road. The properties on the corner plots are generally built closer to the back

edge of the public footpath with high boundary walls/fences and have single storey detached garages and outbuildings at the rear that generally appear as clearly subordinate to the main properties.

6. The proposal would involve the demolition of the block of garages and the construction of a single storey contemporary style dwelling with associated parking, garden and landscaping. The proposed dwelling would be set down close to the front of the site and would be separated from the road by a high boundary timber fence running along the side of the property. The external finish of the dwelling would be predominantly constructed from London Stock brick and timber cladding with a flat sedum green roof and solar panels.
7. Given the site's location, the proposed dwelling would only be visible over short distances when passing the site and would be seen in the context of the various single storey extensions and buildings at the rear of the adjacent properties, including the double garage with a high boundary wall/fence situated close to the back edge of the footpath at the rear of the corner property on the opposite side of Etchingham Park Road.
8. Against this backdrop, the scale, form and design of the single storey dwelling would not appear significantly out of place or excessive in relation to the built form of the adjacent and the nearby buildings. The overall modest scale and proportions of the proposed contemporary dwelling, set down, together with the use of matching materials, fenestrations, landscaping and the boundary treatment would ensure the proposal would sit relatively unobtrusively against the built form of the existing properties. The proposal would therefore achieve an appropriate degree of subordination to the existing buildings and as such would limit any significant adverse impacts on the street scene.
9. Consequently, I conclude that the proposed development would not result in significant harm to the character and appearance of the area. It would be consistent with Policies CS1 and CS5 of the Barnet's Core Strategy 2012, Policy DM01 of the Barnet's Development Management Policies Document 2012, the Council's Residential Design Guidance Supplementary Planning Document 2016 and Sustainable Design and Construction Supplementary Planning Document 2016. These policies and guidance, amongst other things, seek to ensure that development is of the highest standard of sustainable design that respects the local context in terms of appearance, scale and design of the development and responds to the overall character of the area.

Other Matters

10. I have noted the objections from third parties to the proposal relating the impact on the character and appearance of the area, amenities of local residents, overdevelopment, traffic, parking, highway and pedestrian safety, use of the shared common accessway, security, planning history of the site, further multi-occupancy dwelling and the impacts on the local services.
11. However, I have addressed the matters relating to the area's character and appearance in the issues above. The Council's Highway Officers has raised no objections to the proposal on highway grounds, subject to appropriate planning conditions. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the

appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

12. Having regard to the National Planning Policy Framework and in particular paragraph 55, I have considered the conditions based on those suggested by the Council and the appellant.
13. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. Those conditions relating to the detailing of the external materials, hard and soft landscaping, boundary treatment, site levels and a demolition and construction management plan are necessary in order to safeguard the amenities of the nearby residents and the character and appearance of the area.
14. Those conditions relating to the parking area and cycle parking are necessary in the interests of highway safety and to promote sustainable transport. A condition relating to the refuse storage and collection is necessary in the interests of amenity and promoting sustainable waste management. I agree that the conditions relating to the details of accessibility, energy and water efficiency are necessary in order to ensure a sustainable, accessible and adaptable built development.
15. The Council have suggested the removal of permitted development rights. However, in light of my findings, it is not considered necessary, given that the proposal is acceptable on its own merits. There are no exceptional circumstances that would justify the removal of permitted development rights that are reasonable and necessary to make the development acceptable.

Conclusion

16. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: -
487519-1, 487519-2, 487519-3, 487519-4, 487519-5 and 487519-6.
- 3) No development other than demolition works shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 4) No development other than demolition works shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate;
 - ii) hard surfacing materials;
 - iii) means of enclosure and retaining structures;
 - iv) boundary treatment[s];
 - v) vehicle parking area; and
 - vi) other vehicle and pedestrian access and circulation areas.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No development other than demolition works shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved and retained as such thereafter.
- 7) Prior to occupation of the development, cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.
- 8) No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter

- be implemented in full accordance with the details approved under this plan.
- 9) Before the development hereby permitted is first occupied details of the refuse storage and collection arrangements shall be submitted to and agreed by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
 - 10) Before the development hereby permitted is first occupied or the use first commences, the parking space shown on Drawing No. 487519-4 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
 - 11) Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
 - 12) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent it shall be constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.
 - 13) Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.