



Appeal Decision

Site visit made on 29 January 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2021

Appeal Ref: APP/N5090/W/20/3260836

79 Chandos Avenue, Whetstone, London N20 9EG

- 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 & Mrs Deepti Haria against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/2743/FUL, dated 16 June 2020, was refused by notice dated 14 August 2020.
 - The development proposed is Demolition of existing detached dwellinghouse and erection of 1no. detached dwellinghouse consisting of 1no. 4 bedroom dwellinghouse with 3no. off street parking and associated refuse and recycling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the banner heading above I have used the appellant's name from the appeal form, and the appeal proceeds on this basis.
3. The Council's two reasons for refusal refer to a 2012 and a 2016 version of the Residential Design Guide Supplementary Planning Document (the SPD). I have had regard to the 2016 version of the SPD as this is the version I have before me and it is the most up to date.

Main Issues

4. The main issues are the effect of the proposed development upon:
 - the living conditions of the occupiers of No 77 and 81 Chandos Avenue with particular reference to privacy and outlook, and the occupiers of No 81 with particular reference to overshadowing and daylight; and,
 - the character and appearance of the area.

Reasons

Living conditions

5. The appeal site comprises a detached two storey dwelling within a generous plot. No 81 to the north east is set at a slightly lower level with the slope of the land. The single storey garage of the appeal site dwelling is located along the boundary with No 81, however, the new dwelling would be of a significantly

- increased height and depth. The development would result a new side wall with a two storey height projecting approximately 4.8m and single storey height projecting approximately 6.7m deeper than the rear wall of No 81.
6. Due to the heights, depths, and proximity to No 81, the development would be overbearing resulting in a significant and harmful loss of outlook when viewed from the nearest ground and first floor windows of No 81. It would also result in a harmful loss of outlook from a sizeable area of the garden closest to the main dwelling, which is the area of the garden more likely to be used and frequently traversed.
 7. The new flank wall would create a high deep barrier to the south west of No 81. The height and orientation it would have a significant effect upon the sunlight received through the nearest ground and first floor rear windows of No 81 and part of the garden. The reduction in daylight and the overshadowing would be for a significant duration in time during the afternoons, particularly during the shorter months of the year. It would result in some materially darkened poorly lit rooms in No 81 and a significant extent of overshadowing. Based upon the evidence before me, the degree and duration of this would be such that it would be likely to result in harmful living conditions to the occupiers of No 81. There is no evidence before me that would lead me to an alternative view.
 8. The new two storey side wall would be located a similar distance to the boundary with No 77 to the south, although would project approximately 5m deeper than the first floor of No 77. Based upon the evidence before me the nearest first floor windows would have an outlook onto the approximately 9m high two storey side wall and crown roof. Given the combined depth, significant height, and proximity of the first floor side wall and roof, the development would result in harmful living conditions to the occupiers of No 77 in respect of a loss of outlook from the nearest first floor windows.
 9. The ground floor of No 77 integrates an almost full width glass shelter and solid side wall which projects approximately 2.5m from the rear of the main dwelling wall. No 77 is at a slightly higher level than the appeal site. Having regard to the relief provided by the existing projection and the land level, the effect upon outlook would be likely to be limited when viewed from the ground floor and the garden. Therefore, the development would not result in harmful living conditions to the ground floor or garden No 77. However, this does not mitigate the other harm I have found.
 10. Where the side elevations project beyond the rear walls of Nos 77 and 81, they are blank. There is little opportunity for overlooking from the side facing windows that could be conditioned to prevent harmful effects to privacy and overlooking. The position and orientation of rear facing windows would allow some overlooking of the neighbouring rear gardens. However, views would be orientated towards the rear at an oblique angle. This would be such that it would not result in harmful living conditions to the occupiers of Nos 77 and 81 in respect of privacy and overlooking.
 11. For the reasons set out above the development would result in harmful living conditions to the occupiers of No 81 with respect to a loss of outlook, daylight and overshadowing and No 77 in respect of a loss of outlook from the first floor windows. Therefore, the development would conflict with Policy DM01 of the Barnet Local Plan Development Management Policies (2012) (the DMP) and the advice at the beginning of section 7 of the SPD. In combination and amongst

other things, these require development protects the living conditions of occupiers in respect of daylight, overshadowing and outlook. The evidence before me does not demonstrate the development would result in harmful living conditions to Nos 77 or 81 in respect of overlooking and privacy. However, this does not mitigate the other harm I have found.

12. The Council has made reference to Policy CS5 of the Barnet Local Plan Core Strategy (2012) (the BCS) in its second reason for refusal. However, as this mainly relates to protecting and enhancing character and design, it is of less relevance to this main issue.

Character and appearance

13. The appeal site dwelling integrates multiple hipped and gable roof forms above rendered, tiled and brickwork elevations and some distinctive bay windows. The extent of vertical tiling, dark wood window frames and roof forms means it differs from some nearby individual properties. Although wider sections of Chandos Avenue exhibit some variety of architectural styles, this significant length of the avenue is strongly characterised by individual properties of a similar vernacular. This includes prominent bay windows, relatively shallow hipped and gable roof forms, and mixes of render, tile, and brickwork elevations.
14. The two storey element of the existing dwelling occupies less of the plot than many. However, its proportions, spacing, forms and design, means the existing dwelling makes a positive contribution to the character and appearance of the area. The new dwelling would be of a distinctly different style to those nearby in the street scene. The relatively steeply pitched crown roof form, entirely brickwork front elevations, largely flat windows and tall double storey arched window would result in the new dwelling being significantly at odds with, and harmful to the character and appearance of this part of the avenue.
15. The closer neighbouring dwellings on the west side of the avenue have a relatively consistent two storey rear building line, with smaller single storey projections. The two storey depth of the appeal proposal would be considerably deeper and bulkier at the rear than nearby dwellings. This increased bulk, depth and height would represent a significant break in the rear building line, to such a degree that it would be highly incongruent and harmful to the character and appearance of the area. The surrounding vegetation means the visual harm would be localised, but it would still be visible from some neighbouring properties.
16. There is some variety of plot and dwelling widths on this part of the avenue. However, most retain a good degree of space relative to plot size between neighbouring two storey elements. The plans indicate a gap of approximately 0.9 – 1m between the side walls and the site boundary. Based upon what I saw at my visit, this spacing would not be out of keeping with or harmful to the character and appearance of the area and the dwelling would not appear unduly cramped. Although the development would be compliant with some aspects of design policies, this does not mitigate or outweigh the other harm I have outlined above.
17. I was able to view several dwellings nearby referenced by the appellant. I do not have the full details and circumstances that lead to the approval of them

before me, so a direct or fully reasoned comparison is not possible. The avenue is a long residential road which exhibits a variation in dwelling design and character. Many of the examples are viewed in the context of a different or more varied street scene than the appeal site. The closer examples (such as Nos 110, 76 and 65) are of significantly different designs to the appeal proposal. They are some distance from the site and due to the plot depths and building positions do not significantly contribute to the street scene in the vicinity of the appeal site. The site is viewed closely in the context of the more immediately surrounding dwellings, which have a distinctive and more unified character and appearance. The development would be at odds with this for the reasons set out earlier.

18. For the reasons set out above the development would be harmful to the character and appearance of the area. Therefore, it would conflict with Policies 3.5, 7.4 and 7.6 of the London Plan (2016), Policies CS1 and CS5 of the CS, Policy DM01 of the DMP and the advice in sections 6.1 and 6.2 of the SPD. In combination and amongst other things these require development is of the highest quality design, has regard to, is in keeping with, and makes a positive contribution to the character and appearance of the area.
19. The Council has referred to Policy CSNPPF of the CS. However, this relates to the presumption in favour sustainable development based upon a previous version of the National Planning Policy Framework. Therefore, it is of less relevance to this main issue than the policies I have referred to above.

Planning Balance

20. The development would create significantly increased floorspace, use the plot more efficiently, being in compliance with some objectives of the National Planning Policy Framework (2019) (the Framework). There may be some benefits in respect of resource efficiency and renewable energy generation in comparison to the existing dwelling, but this would overall, be likely to constitute a small benefit. If the proposed measures for ecological enhancements and any landscaping were to be secured by a planning condition, the development might overall result in an overall enhancement in this regard, but the evidence suggests this would be a small benefit.
21. The overall benefits of the development would be small attracting limited weight. Compliance with policies in respect of matters such as parking and tree protection, would attract neutral weight. However, the policy compliance and the benefits of this development, would not outweigh the harm to the living conditions of neighbouring occupiers and the character and appearance of the area. This harm is significant and attracts significant weight against the scheme.

Conclusion

22. The proposed development would be contrary to the development plan and there are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR