



Appeal Decision

Site visit made on 25 January 2021

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: 09 February 2021.

Appeal Ref: APP/N5090/W/20/3259342

43-45 Watford Way, Hendon, London NW4 3JH

- 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 Yoel Rosenthal (Smartrose Estates Limited) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/2781/FUL, dated 19 June 2020, was refused by notice dated 18 August 2020.
 - The development proposed is the demolition of a disused goods lift enclosure and water tank enclosure and the erection of a second floor roof extension to provide 2 flats (1 x 1 bed unit and 1 x 2 bed 3 person unit).
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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 and (b) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

3. The site is located to the rear of a terrace of buildings of up-to 3-storeys in height fronting Watford Way which have commercial units at ground floor level with residential uses above. These flats are predominantly accessed from the rear service roads and parking areas via external staircases and are referred to as Parade Mansions. The proposed development includes the erection of an additional storey of residential accommodation above a 2-storey flat roof rear addition. The proposed extension would be sited away from the rear elevations of 61 and 62 Parade Mansions which include doors and windows for these 2 flats.
4. The appeal scheme is located where there are a variety of designs for buildings, including traditional 2-storey houses, the terrace of properties fronting Watford Way and 3-storey high apartment and commercial buildings. However, although there are a mix of building types and styles, because of its massing and design the existing 2-storey addition possesses a utilitarian appearance which does not make a positive contribution to the surrounding area, particularly when viewed along the rear service roads and parking areas associated with the flats and commercial units.

5. By reason of the increase in scale and overall height compared to the existing addition, the appeal scheme would significantly accentuate the bulky and poor quality appearance of this addition. The choice of external materials would not reflect those of the surrounding buildings which are predominantly brick walls with tiled roofs. Further, with the exception of a near-by commercial building fronting Rundell Crescent, the mansard roof form of the appeal scheme would not reflect the predominant character of the surrounding roofscapes, namely pitched roofs. Overall, the proposed development would not be of a high quality of design which would improve the character and appearance of the surrounding area.
6. For these reasons, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would be contrary to Policies 7.4 and 7.6 of the London Plan, 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 Council's *Residential Design Guidance Supplementary Planning Document* (RDG). Amongst other matters, these policies require development to represent high quality design and to respect, complement and protect local character.

Living Conditions

7. There are openings within the rear elevation of Nos 61 and 62 with the closest openings serving kitchens and bathrooms. There are also other openings either side of these flats at first and second floor levels serving Nos. 59, 60, 63 and 64. Some of these neighbouring openings serve habitable rooms, including No. 63, and others serve entrance areas, kitchens and bathrooms. For all the flats, it is unclear whether the kitchens are more than the 13sq m in area as identified in the RDG to qualify as habitable rooms. It has been assumed that this is not the case.
8. A roof terrace would be retained between Nos. 61 and 62 and what would be a slope of the proposed development's mansard roof. When taken together with the flank elevations of Nos. 60 and 64 the roof terrace would be enclosed by walls. The RDG refers to habitable rooms containing at least one main window with an adequate outlook where nearby walls or buildings do not appear overbearing or unduly dominant.
9. The outlook for the occupiers of Nos. 61 and 62 from the openings, including from the habitable rooms, and roof terrace would be physically and visually contained by walls and the appeal scheme. By reason of the appeal scheme there would be an increased sense of enclosure and a material change in outlook for the occupiers of Nos. 61 and 62. A high quality environment would not be provided for these neighbouring occupiers.
10. There would also be an increased sense of enclosure associated with the outlook from the rear openings of some of the other neighbouring flats, in particular No. 64. Although on its own this matter would not be a sufficient reason for this appeal to fail it does add to the unacceptable harm already identified.
11. There would be an adequate separation distance to avoid significant reductions in levels of sunlight and daylight reaching the openings of Nos. 60 and 61. This is confirmed in the appellant's Day and Sunlight Assessment. The same lack of

material reductions in levels of daylight and sunlight reaching the other neighbouring properties' openings equally applies. However, this matter is demonstrably and significantly outweighed by the unacceptable harm which has been identified.

12. On this issue it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would conflict with LP Policy 7.6, DMP Policy DM01 and the RDG. Amongst other matters the policy and guidance refer to development maintaining an adequate outlook for adjoining occupiers. As part of this main issue, CS Policies CS1 and CS5 are not of direct relevance to living conditions matters.

Other Matters

13. The erection of the proposed extension would represent an efficient use of land within the urban area and would provide additional units of residential accommodation of a similar type to the adjoining flats. The resulting height of the building would be no greater than the properties fronting Watford Way and appeal scheme would not be seen from this main thoroughfare. Its height would be comparable with the modest sized lift over-run and water tank which project above the existing roof. However, when considered collectively, these matters do not outweigh the unacceptable harm which has been identified. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR