
Appeal Decision

Site visit made on 2 February 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/N5090/W/20/3258548

57 Brookhill Road, Barnet EN4 8SF

- 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 N Lemonaris (Spiritus Properties Limited) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/6766/FUL, dated 20 December 2019, was refused by notice dated 3 March 2020.
 - The development proposed is demolition of existing bungalow and erection of new two storey building with rooms in the roofspace comprising 2no. self-contained flats. Associated parking, cycle storage, refuse and recycling store and amenity space.
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Decision

1. The appeal is dismissed.

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 Issues

3. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the area,
 - (ii) the living conditions of the occupiers of the neighbouring property at No. 55 Brookhill Road with particular regard to privacy; and
 - (iii) biodiversity interests on the site.

Reasons

Character and appearance of the area

4. The appeal site comprises of a detached bungalow with a single storey extension and conservatory at the rear. The blank brick gable end of a traditional three storey commercial end terraced property with residential use above is located immediately to the south-east and a row of detached and semi-detached residential properties set back from the road of varied character are located to the north-west of the site.

5. The appeal site is surrounded by a range of two and three storey residential and commercial properties of varying designs and style to the north, east and west and a large supermarket with a surface level car park to the south of the site. The immediate area is mixed use in nature and does not have a clearly defined architectural character.
6. The proposal would involve the demolition of the existing bungalow and the construction of a detached two storey building with living accommodation in the loft space to create 2 no. self-contained flats. The proposed development would be set back with a two storey gabled bay front projection in line with the adjacent properties and set down with a mansard style crowned roof. The proposal would entail a part single storey/part two storey rearward projection that would be set-in at first floor level from the rear wall of the proposed building and would be constructed with a pitched tiled roof.
7. The appeal property is on a relatively spacious plot and as such the proposed development would not appear overlarge, relative to the overall plot size. Although the proposed two storey building would extend further to the rear of the site at first floor level, it would be seen in the context of the current varied architectural styles at the rear of the surrounding properties.
8. Against this backdrop, the scale, form and design of the two storey rearward projection would not look significantly out of place or excessive in relation to the built form of the adjacent properties and would sit relatively unobtrusively against the built form of the proposed building. In addition, the proposed rearward projection would not be visible from the road at the front and as such would not adversely impact on the street scene in the surrounding area.
9. The scale and form of the proposed building with its mansard style roof would nevertheless still be a significant addition in this location. As such, although set down at roof level with a comparable eaves heights to the adjacent two storey properties, the awkward design and appearance of the mansard style roof would result in substantial bulk over the proposed two storey building that would be very much at odds with the older more traditional hipped and gabled roof designs found on many other properties in the area.
10. These shortcomings would be exacerbated by the proposal's prominent position which would be visible from a number of public vantage points along Brookhill Road. The position of the proposed mansard style roof immediately adjacent to the blank brick gabled end of adjacent traditional three storey property at No. 59 Brookhill Road would contribute to the overall scale of the proposed roof, giving it particular prominence in relation to its surroundings. As such, I consider that the proposed development, by virtue of its scale, siting and design, would result in an incongruous and out-of-keeping addition that would cause unacceptable harm to the character and appearance of the area.
11. I have considered the appellant's arguments that the design and layout of the development has been carefully considered in order to minimise any impacts on the area and would be in keeping with the other properties in the area. Whilst I recognise there is some variation in building styles in the area and the use of matching materials, fenestrations and boundary treatment would assist with integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above. As such, I consider the proposal would adversely harm rather than positively contribute to the character and appearance of the area.

12. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would be contrary to Policy DM01 of the Barnet's Development Management Policies Document 2012 (DMP), Policies CS1 and CS5 of the Barnet's Core Strategy 2012 (CS) and the Council's Residential Design Guidance Supplementary Planning Document 2016 (SPD), which I consider are relevant in this case. These policies and guidance, amongst other things, seek to ensure that development is of a high standard of 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.

Living conditions of the occupiers of the neighbouring property

13. The proposed raised patio for the proposed ground floor flat would be located adjacent to the rear elevation of the adjoining detached property at No. 55 Brookhill Road (No. 55). The adjacent property, at No. 55, has a single storey rear extension and conservatory with a small patio area leading out to an enclosed garden area at the rear. The proposed patio would be set back from the side boundary with No. 55 and would be separated from the rooms and garden at the rear of the adjacent property by a pedestrian passageway and high close boarded fence running between the properties.
14. Given the design and layout of the development together with boundary treatment and the separation distance between the properties, I consider that the proposed raised patio would not result in significant harm to the privacy, nor result in significant overlooking of the occupiers in the rooms and garden at the rear of the adjacent property. The neighbouring property is already overlooked from the existing raised patio at the rear of No. 57. As such, I consider the relationship between the new raised patio and the adjacent property would not be significantly different to the existing situation on the site and would not warrant dismissal of the appeal on these grounds.
15. Consequently, I conclude that the proposed development would not result in an unacceptable impact on the living conditions of the occupiers of the neighbouring property at No. 55 Brookhill Road with particular regard to privacy. It would be consistent with Policy DM01 of the DMP, Policy CS5 of the CS and the SPD. These policies and guidance, amongst other things, seek to ensure that development proposals provide the highest standards of design and allow for adequate privacy for adjoining and potential occupiers.

Biodiversity interests

16. The appeal site is located immediately adjacent to the Pymmes Brook and associated wildlife corridor that runs along the rear boundary of the site. Given the nature of the site and its surroundings, the Council's Ecologist has recommended that a preliminary bat roost survey should be undertaken and any subsequent emergence surveys recommended prior to any approval.
17. The increased areas of hardstanding and development of the site would inevitably increase the need for appropriate measures to deal with potential biodiversity interests. The appellant has provided a Preliminary Ecological appraisal including a preliminary bat roost assessment, showing the low to negligible habitat value of the site for roosting bats and appropriate mitigation measures for the enhancement of the potential biodiversity of the appeal site¹.

¹ Arbtech Preliminary Ecological Appraisal Survey dated 21/08/2020

18. Based on the evidence before me, in the absence of any convincing evidence to the contrary from the Council, I am satisfied that adequate information has been submitted to demonstrate that the proposed development would not have an adverse impact on the biodiversity interests on the site. If I had been minded to allow the appeal, I consider that the necessary mitigation measures could have been put in place through an appropriate planning condition.
19. Consequently, I conclude that the proposed development would be consistent with Policy 7.19 of the London Plan 2016 and the Government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and their impact within the Planning System. This policy and circular, amongst other things, seek to ensure development proposals avoid adverse impact to the biodiversity interest and wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Other Matters

20. I have noted the other developments in the area drawn to my attention by the appellant. Whilst I note the mixed character of the area, including the flat roofed two storey side extension at No. 55 Brookhill Road, this relates to a different scale and form of development to the appeal scheme. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with this case.
21. I have noted the comments received from third parties, including the letter of support for the proposal. However, in light of my findings on the main issues relating to this appeal, my decision does not turn on these matters.
22. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design, the contribution to the housing need in the area and optimising the potential of a small brownfield site within an accessible location. While I have given them some weight in favour of the appeal, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

23. Notwithstanding my findings on the lack of significant harm to the living conditions of the occupiers of the neighbouring property and the biodiversity interests on the site, this is significantly outweighed by the harm found regarding the character and appearance of the area. The proposal would conflict with the development plan taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR