
Appeal Decision

Site visit made on 2 February 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/N5090/W/20/3258682
77 Milespit Hill, Mill Hill, London NW7 2RS

- 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 and Mrs Philip Reichman against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/0084/FUL, dated 8 January 2020, was refused by notice dated 6 March 2020.
 - The development proposed is for the demolition and replacement of dwelling house with associated car parking and landscaping [alternative to refused application ref : 19/5336/FUL].
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of this appeal are the effect of the proposed development on:
 - i. the character and appearance of the appeal site and surrounding area; and,
 - ii. the living conditions of neighbouring occupiers, particularly No's 75 and 79 Milespit Hill.

Reasons

Background

3. The scheme subject of this appeal follows the determination of a previous planning application¹, which was then dismissed at appeal² (the previous decision) by another Inspector on 29 October 2020. The previous Inspector found the scheme before him to have harmful consequences in respect of character and appearance but found no harm to the living conditions of neighbouring occupiers. I consider the previous decision to form a material consideration of significant weight, in the determination of this appeal before me.

Character and appearance

4. The appeal site is occupied by a detached 2-storey dwelling dating from 1988, which is of a similar design to No 79. Due to the surrounding topography, the land levels notably increase in the direction of No 79 away from the site. There is much variety in the architectural treatment of the neighbouring houses in the

¹ 19/5336/FUL

² APP/N05090/W/19/3243309

vicinity of the site, which form the wider street scene of Milesplit Hill. Nonetheless, there is also a general proportionality in their scale and form, although I note a detached bungalow at No 81 Milesplit Hill, but this would appear to be the exception to the otherwise surrounding 2-storey detached dwellings.

5. The replacement dwelling would represent a more contemporary design than the traditional designs of the existing dwelling and its neighbours. However, it incorporates materials that remain in keeping with the surrounding area, including brick and render walling. Nonetheless, the material covering the proposed pitched roof is powder coated metal cladding. In the area immediately surrounding the site, the use of roof tiles comprises the predominant roof covering. Whilst there are other roof materials present in the wider area, such as slate and green glazed tiles, the use of roof tiles on dwellings, contributes towards a positive feature of the wider street scene.
6. I acknowledge that the appellant wishes to reflect the new material technologies of the 21st century. A more sensitive use of materials on the elevations on the scheme is now proposed, which would anchor the contemporary design and proportions within the wider local context. I find that whilst the scheme before me now has a pitched roof, which would result in the proposed development having a similar height to the existing dwelling, the metal cladding that would comprise the roof covering would not ensure the proposed development would not appear too different, so as to become incongruous with the prevailing residential designs.
7. My attention has been drawn to other properties in the locality, on Milesplit Hill and in the surrounding area. However, relatively little detail has been provided regarding the particular planning backgrounds. Without such information a full and detailed comparison between existing development and the case before me cannot be made, except insofar, as I was able to observe and assess these sites during my visit. In any event, the fact that other contemporary development may exist, is not a reason, on its own, to allow otherwise unacceptable development.
8. For the reasons given above, I conclude that the proposed development would significantly harm the character and appearance of the appeal site and surrounding area. This would fail to accord with the design, character and appearance aims of Policies 3.5, 7.4 and 7.6 of the London Plan 2016 (LonP), Policy CS5 of the Council's Core Strategy 2012 (CS), Policies DM01, DM02 of the Development Management Policies 2012 (DMP) and the Residential Design Guidance Supplementary Planning Document 2016 (the SPD) and the requirements of the National Planning Policy Framework (The Framework).

Living conditions

9. There is a very similar arrangement to the scheme on the previous decision, with regards to the design, location and materials to the balcony at first floor on the rear elevation of the scheme before me. I noted the changes in levels and to the lack of vegetation on the shared boundaries with No's 75 and 79, which corresponds with the areas identified for clearance in the submitted drawings.
10. On the rear elevation, closest to the shared boundary with No 75, a Juliet balcony is proposed at first floor, which will result in the future occupiers of the

proposed development having their views from Bedroom no.2, focussed towards their own rear garden. The balcony that would project beyond the internal limits of Bedroom no.1 would have a solid wall positioned on the elevation that would face No 79. This would prevent any direct overlooking and would channel the views of the future occupiers of the proposed development towards their own rear garden. Although a section of this balcony would face No 75, I consider that as this element of the scheme is on the far side of the rear elevation to No 75, the proposed distance between the balcony and No 75 would provide sufficient mitigation against any potential harmful effects.

11. For the reasons given above, I conclude that the proposed development would not significantly harm the living conditions of the occupiers of No's 75 and 79. This would accord with the amenity aims of LonP Policy 7.6, CS Policies CS NPPF, CS1, CS5, DMP Policy DM01, the SPD and the requirements of the Framework.

Other Matters

12. I note the misgivings of the existing house asserted by the appellant, which include, its poor state of repair, very poorly insulated and poorly laid out and not fit for the purpose of the appellants, who seek a beautiful home for life. However, these matters do not outweigh the significant harm to character and appearance that I have identified. I have considered this appeal on its own merits and concluded that the proposed development would be unacceptable for the reasons set out above.
13. I have also had regard to concerns raised by the appellant about the way that the Council handled the application, but this does not affect the planning merits of the case.

Planning Balance and Conclusion

14. Whilst I accept the absence of other harm arising from the scheme, including living conditions, this does not outweigh my assessment on character and appearance. Given my findings above, the scheme conflicts with the development plan when taken as a whole, and there are no other material considerations that indicate otherwise. It is also at odds with the requirements of the Framework.
15. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR