



Appeal Decision

Site visit made on 29 March 2021

by J D Westbrook BSc(Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal Ref: APP/N5090/W/20/3264410

35 Raydean Road, New Barnet, BARNET, EN5 1AL

- 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 Mark Warren against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/4027/FUL, dated 1 September 2020, was refused by notice dated 27 October 2020.
 - The development proposed is the erection of a two-storey, two-bedroom dwelling house, associated refuse/recycling store, provision of off-street parking and amenity space. Demolition of existing single-storey rear conservatory and standalone garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed dwelling on:
 - The character and appearance of the area around Raydean Road and Ivere Drive, and
 - The living conditions of the occupiers of No 72 Wycherley Crescent by way of privacy and outlook.

Reasons

3. No 35 Raydean Road is a semi-detached house situated on a corner plot at the junction of Raydean Road with Ivere Drive. It is set at an angle to the other houses on the south side of Raydean Road, and is set in several metres from its front boundary on Raydean Road and its side boundary with Ivere Drive. The proposed development would involve the construction of a two-storey, two-bedroomed house, attached to the western side elevation of the existing house. It would also involve the demolition of an existing conservatory at the rear of the house. The current gardens at the property would be sub-divided to give both the new and the existing dwelling its own garden area.

Character and appearance

4. The area around Raydean Road and Ivere Drive is characterised largely by semi-detached houses with a range of styles and designs, although in the vicinity of the appeal property there is a consistency of design using hipped roofs and front bay/gable elements with a cat slide roof above the front porch.

These features are seen along the south side of Raydean Road and are continued along Wycherley Crescent and Ivere Drive to the rear. Nos 70 and 72 Wycherley Crescent largely mirror the design and configuration of Nos 35 and 37 Raydean Road, being set on a corner plot at an angle to the building line of the rest of the houses on the same side of the road.

5. Policy DM01 of the Council's Local Plan: Development Management Policies Document (DMP) indicates that development proposals should be based on an understanding of local characteristics. Moreover, proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy CS5 of the Council's Core Strategy (CS) indicates that development should respect local context and distinctive local character.
6. The Council's Residential Design Guide (RDG) indicates that the design of new development should respect the character of the area in which it is situated and respond to the positive features of that character. In particular, development should be informed by the local pattern of development, and that the setback of dwellings from a street is a key consideration.
7. In this case, the proposed dwelling would effectively create a short terrace of houses in an area where the predominant feature is semi-detached houses with a few detached houses. Moreover, there is a strong building line along Ivere Drive and its continuation along Raydean Road. The current side elevations of the appeal property and No 72 Wycherley Crescent to its rear are set back from the road such that they follow the building line, thereby maintaining a spacious feel to the area. The proposed dwelling would break that building line by a substantial amount, bringing the house close to the current side boundary to the detriment of the prevailing character and appearance of the area.
8. At the time of my site visit, the appeal property had apparently recently undergone alterations by way of a hip-to-gable roof extension, resulting in a large rear dormer. The plans and the design and access statement submitted with the planning application indicated that the roof of the proposed house would continue and replicate the hipped gable of the existing house. That hipped gable no longer exists and the proposed design of the roof would, therefore, now appear incongruous in the context of the existing building to which it would be attached, and would not respect the appearance of either the host building or those houses in the immediate vicinity. Its prominent position on a corner plot would exacerbate this somewhat jarring visual impact.
9. The appellant refers to existing side extensions at houses in the vicinity, and of a conversion development some distance away. I note these examples but the these would appear to be significantly different from this proposal, either by way of being extensions to existing houses, or by way of location and character. In any case, I have dealt with this proposal on its own merits and in the context of its own particular situation.
10. In conclusion on this issue, I find that the proposed house, by virtue, amongst other things, of its prominent position, its impact on the building line, and its incongruous roof design, would be harmful to the character and appearance of the area around Raydean Road and Ivere Drive. It would, on this basis, conflict with Policy DM01 of the DMP, Policy CS5 of the CS, and guidance in the RDG.

Living conditions

11. Policy DM01 of the DMP indicates that development proposals should be designed to allow for adequate privacy and outlook for adjoining and potential occupiers and users. Guidance in the RDG notes that privacy is an important design issue and all residents should feel at ease within their home. It indicates that privacy can be safeguarded by achieving adequate window to window distances between buildings, and that in new development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.
12. In this case, it would appear that windows in the rear elevation of the existing house at the appeal property are only some 14 metres from windows in the rear elevation of No 72 Wycherley Crescent to the rear. I accept that the two dwellings are set at an angle to one another, but there is nevertheless significant intervisibility within the current arrangement.
13. The Council contends that a separation distance of between 3m and 6m would be retained between the rear elevation of the proposed dwelling at two storey level and the respective common boundary lines, and that this would fall drastically short of the 10.5m to a neighbouring garden that would be required. Furthermore, a minimum distance of 21m between habitable rooms of the two dwellings would not be maintained, and this is considered to unduly compromise the privacy and residential amenity of the neighbouring occupiers by way of loss of privacy and overlooking. In addition, the presence of the two-storey structure in close proximity to the neighbouring boundaries would appear as an overbearing and visually obtrusive addition detrimental to the residential amenities of the neighbouring occupiers. I concur with this view.
14. The appellant accepts that the distance between the first-floor rear window of the proposed dwelling and the closest window in 72 Wycherley Crescent would be approximately 12 metres, but contends that this is only some 2 metres less than the existing situation. However, since the existing situation already falls well short of normally accepted separation distances, I do not consider that reducing this separation still further is an acceptable situation with regard to potential loss of privacy and perception of overlooking.
15. The appellant also makes note of the fact that, at the time of the appeal, the appeal property benefitted from a Lawful Development Certificate relating to a hip-to-gable roof extension, with rear dormer windows, that could introduce a level of actual and perceived overlooking to No 72, to a degree substantially greater than the appeal proposal. At the time of my visit, this hip-to-gable extension had already been constructed, and the resultant increase in potential for overlooking was already in evidence. In the light of this, I consider that any further loss of privacy or perception of overlooking as a result of the proposed new dwelling, would be significantly harmful to the living conditions of the occupiers of No 72.
16. In conclusion on this issue, I find that the proposed new dwelling would be harmful to the living conditions of the occupiers of No 72 Wycherley Crescent by way of loss of privacy and a visually compromised outlook. It would, on this

basis, conflict with Policy DM01 of the DMP, and guidance in the RDG. There are no material justifications to make reduced separation distances between the appeal property and No 72 Wycherley Crescent acceptable.

Conclusion

17. I find that the proposed new dwelling would be harmful to the character and appearance of the area around Raydean Road and Ivere Drive, and that it would be harmful to the living conditions of the occupiers of No 72 Wycherley Crescent in terms of privacy and outlook. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR