



Appeal Decision

Site Visit made on 20 April 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2021

Appeal Ref: APP/N5090/W/20/3263523

Rear of 32, 33, and 34 , Woodside Grange Road, London N12 8SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to outline grant planning permission.
 - The appeal is made by Ms R Atanaskoska against the decision of London Borough of Barnet.
 - The application Ref 20/3183/OUT, dated 10 July 2020, was refused by notice dated 22 September 2020.
 - The development proposed is described as a "new access road and erection of 3 storey block comprising 3 No 2 bed flats and 3 No 3 bed flats together with 6 off street parking spaces and cycle store".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with access, appearance, layout, and scale for consideration. Matters relating to landscaping are reserved for future determination.
3. Since the Council made its decision, the Mayor of London published the London Plan 2021 (the LP). Therefore, the policies from the London Plan 2016 referred to within the Council's decision notice are no longer in force. I have given each party the opportunity to consider the LP which I have taken into account in my assessment of the development before me.
4. Following the refusal of planning permission, the appellant submitted an amended application¹ to the Council for its determination. The Council confirm that although this permission was ultimately refused planning permission, it nonetheless overcame matters relating to the effect of the development on protected trees and the cost associated with highway works necessary to facilitate the development.

Main Issues

5. Therefore, with the above in mind, the main issues in this appeal are the effect of the proposed development on the:
 - character and appearance of the area, and
 - living conditions of adjoining occupiers, with particular regard to the occupiers of 32 Woodside Grange Road and privacy.

¹ 20/6162/OUT

Reasons

Character and Appearance

6. The appeal site forms a substantial detached building known as The Grange residential care home. The area is predominantly residential in character and contains a variety of size and style of property. Although I acknowledge that the area has no predominant architectural style or built form, it nonetheless has a degree of uniformity which largely comprises frontage development that is arranged in a linear manner. The area is also enhanced by properties with associated amenity spaces, along with the presence of mature landscaping, which lends the area a pleasant open and suburban character.
7. The proposal seeks to erect a three storey block of flats within the rear garden area of the appeal site which would be accessed via a new vehicular entrance off Woodside Grange Road. The building would be located towards the rear of the site to allow parking and turning areas to be provided between the proposal and the existing building, along with areas for cycle and refuse bin storage.
8. The area contains a number of flatted developments that are visible from the appeal site. This includes the development at Ashbourne Close and others such as those on Woodside Park Road and Birch, Beechcroft, and Willow Court on Woodside Grange Road. As such, residential accommodation in the form of a flatted development on the site would be acceptable in principle.
9. The proposal would be sited within the area that currently forms the rear amenity area of The Grange, and adjacent to a block of flats at 59-81 Ashbourne Court. Although I acknowledge that this particular block is visible from Woodside Grange Road, I am not persuaded that the development at Ashbourne Close displays a similar layout to the development before me as it is set around its own access off Woodside Park Road and within more open and spacious grounds, which is reflective of the character that prevails in the area.
10. Moreover, having viewed the block of flats that are visible through the gap between Speedwell Court and the appeal site, it does not strike me as a back land development to The Grange or indeed Woodside Grange Road. The stepping of fences and landscaping sets the block as part of a wider, in depth development. In contrast, the proposal would be set close to its rear boundary, emphasising the limited depth of the site, and resulting in the vast majority of the existing garden given over for the building, its access and parking areas. Although an area to its side provides additional space for The Grange, the proposal would nonetheless, still be perceived as a back land form of development and not as part of that which exists on Ashbourne Close, or indeed Woodside Grange Road.
11. Additionally, the existing garden area contributes towards the area's open character and, coupled with the lack of road frontage and street scene context, its loss would also accentuate the proposals disjointed back land context in comparison to frontage development in the vicinity of the appeal site, appearing as a contrived and discordant development that is inconsistent with the prevailing character of the area. It would be clearly visible from the car park area and flats on Ashbourne Close that are located adjacent to the site and through the access into the appeal site.

12. Furthermore, I am not persuaded that the properties opposite the site, or others referred to by the appellant such as Speedwell Court and Speedwell House display the similar spatial characteristics as the proposed development. Although these properties have a limited depth, they are not perceived in such a manner given that they front onto a road and form part of the established pattern of linear development that contributes towards the character of the area. In addition, whilst the development proposes an access to its side the parking areas would be set between the proposed block of flats and The Grange, which is quite different to the examples referred to by the appellant.
13. Thus, the development would result in harm to the character and appearance of the area. It would be in conflict with Policies CS1 and CS5 of the London Borough of Barnet Core Strategy 2012 (CS) and Policy DM01 of the London Borough of Barnet Development Management Policies 2012 (DMP), which seek, amongst other things, to ensure that developments respect local context, preserve or enhance local character and respect the pattern of surrounding space and streets. In reaching this decision I have also had regard to the London Borough of Barnet Residential Design Guidance Supplementary Planning Document 2016 (the SPD).

Living Conditions

14. The proposed block of flats would be sited to the rear of The Grange and would also straddle the rear garden area of 32 Woodside Grange Road (No. 32) which lies immediately north of the appeal site. The Council calculate that the proposal would be sited 1m from the rear boundary of No. 32 and some 18m from its rear, which the appellant does not dispute. Consequently, the Council argue that the proposal would affect the living conditions of its occupiers, appearing as an overbearing development that would impact on privacy, particularly the rear garden area.
15. Notwithstanding that the proposed block of flats would be slightly off-set and set lower than the adjoining land at No. 32, I am not persuaded that this would restrict views across its rear garden, and indeed that area closest to the dwelling, typically used for eating out and entertaining. The siting of a large building within such close proximity would represent quite an unneighbourly form of development, leading to unacceptable levels of overlooking to its rear garden area. Furthermore, I do not find that proposed landscaping could mitigate against this as it would take some time to mature and cannot be relied upon to be permanent.
16. I acknowledge that in suburban situations such as this, a closer distance than the 21m between properties as advocated within the SPD may be acceptable. However, for the reasons give above, I do not find that such distances should be reduced in this instance. Moreover, I have nothing substantive before me to suggest that the requirements of the SPD are not reasonable for a scheme of this nature. Furthermore, while the appellant states that there are examples of other developments in the vicinity that have similar separation distances, this is not an appropriate reason to find in favour of a development that is otherwise harmful.
17. Thus, the development would result in harm to the living conditions of adjoining occupiers through loss of privacy. It would be in conflict with Policies CS1 and CS5 of the CS and Policy DM01 of the DMP which seek, amongst other

things, that developments allow adequate outlook and privacy for adjoining occupiers. In reaching this decision I have also had regard to the SPD.

Other Matters

18. I acknowledge that Policy H1 of the LP sets out the housing target for Barnet and that Policy H2 of the LP supports new homes on small sites. Moreover, despite its spatial limitations, the design of the development is acceptable and that as a small windfall site, it could be developed out quite quickly, thereby boosting the Council's overall housing supply. I also accept that the site is within a location that is close to public transport links, with shops and services available in the area. However, while noting the benefits that would result in this respect, I do not consider that either individually or cumulatively they outweigh the harm identified above.
19. I note that representations were made by a local resident, raising additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

20. Thus, for the reasons given above, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. Therefore, as I have found the proposal would be in conflict with the development plan, the appeal is dismissed.

Graham Wyatt

INSPECTOR