



Appeal Decision

Site visit made on 17 May 2021

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/N5090/W/20/3265814

73 Laurel Way, Whetstone, London N20 8HT

- 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 Prashant Kapur against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/4485/FUL, dated 23 September 2020, was refused by notice dated 9 December 2020.
 - The development proposed is 'demolition of existing 2 storey detached property and replacement with new two storey detached dwelling including rooms in the loft space'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on the character and appearance of the Laurel Way street scene and whether sufficient information has been provided to enable the impact of the proposal on biodiversity and protected species to be properly assessed.

Reasons

Character and appearance

3. The appeal relates to a detached dwelling. It sits within a residential road which is home to other detached and semi-detached dwellings. The dwellings differ in terms of sizes and external finishes and a mix of gable and hipped roofs are present. However, a very noticeable element is that the dwellings are consistently of a traditional style and this contributes positively to the overall character and appearance of the street scene.
4. The proposal seeks to demolish and replace the existing dwelling. The replacement dwelling would be noticeably wider. The main body of its roof would be partly hipped with a central crown and two feature half gables with oversized windows would project from the front elevation.
5. The replacement dwelling would be no taller than the existing dwelling and it would be set off each side boundary by at least one metre. Nevertheless, its overall bulk and massing would be much greater and its overall appearance would be strikingly different. I am mindful that it is not the role of the planning system to impose architectural styles or particular tastes or stifle innovation. However, it is the role of the planning system to ensure that development is sympathetic to local character and is appropriate to its context.

6. In this particular case, I am of the view that the overall scale and form of the proposed dwelling, combined with its striking design features, would not sit comfortably within what is an understated and traditional street scene. The character and appearance of the street scene would be unduly harmed as a result. In this respect, the proposal conflicts with policies CS1 and CS5 of the adopted Barnet Local Plan Core Strategy and policy DM01 of the adopted Barnet Local Plan Development Management Policies Development Plan Document (DMP DPD); all of which promote high quality design that respects local context and character.

Biodiversity and protected species

7. The Council's Ecologist has advised that as the proposal would involve the demolition of an existing dwelling, a Preliminary Roost Assessment (PRA) must be undertaken by a suitably qualified ecologist. The Council argues that in the absence of such a survey, it is not possible to fully assess the impact of the proposed development on biodiversity and protected species.
8. The effect of a development proposal on biodiversity and protected species is a material consideration. Moreover, Section 40 of the Natural Environment and Rural Communities Act 2006 imposes a statutory duty on the determining Authority to have regard to the purpose of conserving biodiversity.
9. In the absence of a PRA, it cannot be certain that the development proposed would not have a detrimental impact upon biodiversity and that the requirements of policy DM16 of the DMP DPD (which require the retention and enhancement or the creation of biodiversity) would be met. In my view, it would not be appropriate to deal with this matter by way of negatively worded condition because it should be carefully considered before any formal determination is made. A precautionary approach should therefore be adopted.

Other matters

10. In reaching my decision, I note that additional concerns have been raised by third parties including the effect of the replacement dwelling on their living conditions along with drainage related issues. Given the position of the proposed dwelling in relation to neighbouring houses, I share the Council's view that it would not have an overly oppressive effect or cast undue shadow, whilst any overlooking from windows to its side elevations could be addressed by the use of obscure glazing. In the absence of any compelling technical evidence to the contrary, I also consider that any concerns relating to drainage and hydrology could be addressed by the imposition of suitably worded planning conditions. Whilst disruption during construction has also been raised as a concern, some disturbance is somewhat inevitable during significant building works, but the effect is temporary and it could be controlled to an acceptable degree by adherence to a Construction Management Plan.
11. The appellant refers to the grant of planning permission for a contemporary house on Uphill Road. I do not know the precise planning circumstances behind this particular development, which is located within a completely different street. In any event, I have considered the appeal proposal against the particular context of the street scene within which it would sit.

Overall Conclusions

12. I conclude that the proposed replacement dwelling would harm the character and appearance of the street scene and it has not been demonstrated that the development would not harm biodiversity interests. In such terms, the proposal conflicts with the policies of the development plan outlined above.
13. The arguments advanced by the appellant do not outweigh this harm and policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR