



Appeal Decision

Site Visit made on 8 June 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Appeal Ref: APP/N5090/D/20/3261503

45 Cheviot Gardens, Cricklewood, London NW2 1QD

- 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 Sunil Mistry against the decision of London Borough of Barnet.
 - The application Ref 20/3100/FUL, dated 3 July 2020, was refused by notice dated 7 September 2020.
 - The development proposed was originally described as 'Retention of outbuilding to the rear of the property for use as a gym (incidental use).'
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding at 45 Cheviot Gardens, Cricklewood, London NW2 1QD in accordance with the terms of the application, Ref 20/3100/FUL, dated 3 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location & Block Plan 202006/45CG/OB/S1; and Existing Plans & Elevations 202007/45CG/OB/01.
 - 2) The outbuilding hereby permitted shall not be used until details of the materials to be used in the construction of the external surfaces of the outbuilding hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Preliminary Matters

2. As the retention, siting and intended use of the building are not acts of development, I have omitted them from the formal description.
3. The outbuilding is under construction and unfinished. However, I have considered the appeal on the basis of the submitted plans and what it will look like rather than how it currently appears.

Main Issues

4. The main issues are the effect of the development a) on the character and appearance of the area; and b) on the living conditions of neighbours with particular regard to outlook.

Reasons

Character and Appearance

5. The appeal proposal is sited to the rear of an existing semi-detached dwelling and is not readily visible from the street. It is positioned at the end of the garden, where such a building would conventionally be located. Despite its size, it would be subservient to the host building and would not overly dominate the plot. Furthermore, its position and height would not obscure wider views of the host building. Even discounting the other outbuildings in Cheviot Gardens on the basis that they do not have planning permission, many neighbouring properties have been subject to a variety of single storey rear extensions and/or roof dormers. Accordingly, over time there has been a degree of change and variation to the surrounding area. This context is such that the appeal proposal would not appear incongruous or unduly out of place to the extent that it would be harmful to the overall character and appearance of the host site and wider area.
6. As such, the appeal proposal would accord with Policies CS1 and CS5 of the Core Strategy¹ and Policy DM01 of the Development Management Policies² which, amongst other things, seek to ensure development is of a scale that respects the local context and character. Similarly, the appeal proposal would accord with the Council's Residential Design Guidance³ which, amongst other things, supports back garden buildings that respect the character of the plot and wider area.

Living Conditions

7. The outbuilding occupies almost the full width of the plot and is positioned such that it is towards the end of all three adjoining neighbours' gardens. It is higher than the existing fencing along the site boundary with these neighbours, which enables some of the building to be seen from the neighbours' gardens.
8. Given the existing fencing, any increase in the shadow cast across the neighbours' gardens would be relatively constrained. Furthermore, the fencing conceals much of the outbuilding from wider views. Therefore, the neighbours will be able to see the upper part of the outbuilding's walls and roof when in their gardens. This, together with its position and flat roof design, leads me to conclude that although it would be visible, the increased height along the boundaries would not be significant and as such the outbuilding would not harm the living conditions of neighbours in terms of being overbearing. Given the distances to the neighbouring houses, I am satisfied that the outlook from these dwellings would not be harmed.
9. As such, the proposal would accord with Policy DM01 of the Development Management Policies which, amongst other things, seeks to ensure that new developments protect the living conditions of neighbouring occupiers and do not appear overbearing. The appeal proposal would also comply with the Council's adopted Residential Design Guidance which similarly seeks to ensure new development is not overbearing.

¹ Barnet's Local Plan: Core Strategy - Development Plan Document (2012)

² Barnet's Local Plan: Development Management Policies - Development Plan Document (2012)

³ Supplementary Planning Document: Residential Design Guidance (2016)

Other Matters

10. Concerns have been raised with regard to drainage and standing water but there is no substantive evidence before me of such matters. Similarly, concerns have been raised regarding the construction of the outbuilding. However, any issues regarding the quality of the workmanship are outside the scope of this appeal.

Conditions

11. I have had regard to the conditions suggested by the Council. As the outbuilding is under construction, a condition relating to commencement of development is not required. However, in the interests of certainty a condition that lists the approved plans is necessary.
12. The appellant notes that the 'intention is to finish construction with materials sympathetic to the local area, where possible matching the materials used in the host property'. The front elevation currently has a rendered finish. The application forms do not specify the finished materials but the elevational drawing hints that it might be something other than a rendered finish. In order to ensure that there is clarity as to the external finishes of the outbuilding and that they are sympathetic to the host property, I have added a condition requiring the submission of such details to the Council prior to the beneficial use of the outbuilding.

Conclusion

13. The development is consistent with the development plan and there are no material considerations that would lead me to a different conclusion.
14. Therefore, for the reasons given, I conclude that the appeal is allowed.

Stewart Glassar

INSPECTOR