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# Appeal Decision

Site visit made on 6 July 2021

**by David Troy BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 July 2021**

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**Appeal Ref: APP/N5090/W/21/3266873**  
**237 Deansbrook Road, Edgware HA8 9BX**

- 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 Sam Adler against the decision of the Council of the London Borough of Barnet.
  - The application Ref 20/4619/FUL, dated 30 September 2020, was refused by notice dated 15 December 2020.
  - The development proposed is erection of single storey outbuilding to create 1no self-contained residential unit with private amenity space and new rear site boundary wall.
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## Decision

1. The appeal is allowed and planning permission is granted for erection of single storey outbuilding to create 1no self-contained residential unit with private amenity space and new rear site boundary wall at 237 Deansbrook Road, Edgware HA8 9BX in accordance with the terms of the application, Ref 20/4619/FUL, dated 30 September 2020, subject to the conditions in the attached schedule.

## Procedural Matter

2. Since the determination of the application the Mayor's London Plan 2021 (LP) has been adopted. The Council has advised that the Policies from the London Plan 2016 have now been replaced by the new LP. I have therefore considered the development against the relevant policies of the new LP.

## Main Issues

3. The main issues are the effect of the proposed development on
  - (i) the character and appearance of the area, including the Watling Estate Conservation Area; and
  - (ii) the living conditions of the future occupiers of the proposed residential unit with particular regard to outlook and standard of accommodation.

## Reasons

### *Character and appearance*

4. The appeal site comprises of an open storage yard to the rear of a mid-terrace two-storey building situated within a parade of shops and the Watling Estate Conservation Area (CA) with a commercial use at ground floor level with

residential use above. The neighbouring commercial properties comprise of a dense mix of generally two-storey terraced properties set in narrow plots with access to the rear onto Gold Lane. A number of the two storey contemporary style dwellings are located on the opposite side of road to the north of the site. The immediate area is mixed use in nature and does not have a clearly defined architectural character. The single storey extensions/outbuildings and modern residential dwellings at the rear of the terrace of buildings, provide a varied context and palette of materials in the immediate surroundings.

5. I observed on my site visit that a number of the properties within the terrace had single storey extensions and outbuildings projecting out from the rear of the buildings. As a result the original rhythm and harmony of the rear elevation of the terrace has been significantly eroded. The unattractive character and poorly maintained public realm at the rear of the shops is acknowledged in the Council's 2007 Character Appraisal Statement for the Watling Estate CA as principle negative features in the CA.
6. The proposed work to the rear would result in a single storey building that would project out by approximately 9.5m from the rear elevation of the host property to create 1 no. residential unit with associated cycle/refuse storage and new gabion rear wall. The contemporary style building would be set back from the side and rear boundaries of the site behind a small garden area. The external finish of the building would be predominantly constructed with a rendered finish and timber cladding under a mono-pitched roof. The gabion wall along the rear boundary would match the boundary treatment used as part of the modern contemporary dwellings on the opposite side of Gold Lane.
7. The proposed building would be seen in the context of the current varied architectural styles at the rear of the terrace of properties. Against this backdrop, the scale, form and siting of the proposed building would not look out of place or excessive in relation to the built form of the host property and the adjacent properties. The modest overall scale and proportions of the proposed building, set back, together with use of materials, fenestrations and boundary treatment would ensure that the overall proposal would not have a significant impact on the street scene and the character and appearance of the surrounding area.
8. Given the location of the appeal property within the CA, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area. The current poor unsightly condition of the appeal site does not make a positive contribution to the appearance of the CA. I consider that the appeal scheme would provide benefits, through providing an opportunity to construct a high quality residential development utilising a brownfield site in a sustainable location that would have an overall minor positive material impact on the CA. The proposal would therefore preserve and enhance the character and appearance of the CA.
9. Consequently, I conclude that the proposed development would not have a harmful effect on the character and appearance of the area including the Watling Estate Conservation Area. It would be consistent with Policies DM01 and DM06 of the Barnet's Development Management Policies Document 2012 (DMP), Policies CS1 and CS5 of the Barnet's Core Strategy 2012, the Council's Residential Design Guidance Supplementary Planning Document 2016 (SPD) and Watling Estate Conservation Area Character Appraisal Statement 2007.

These policies and guidance, amongst other things, seek to ensure that development is of a high standard of design that respects the local context in terms of appearance, scale and design of the development; responds to the overall character of the area; and preserves or enhances the character and appearance of the conservation areas.

*Living conditions of the future occupiers*

10. The submitted plans illustrate that the self-contained one bedroomed residential unit has an open plan living/kitchen and bedroom area served by a pedestrian accessway at the side. The bedroom area would be served by a narrow elongated window overlooking the pedestrian accessway and the small enclosed amenity area at the rear of the site together with an internal window facing the open plan living/kitchen area and 2 no. obscured rooflights.
11. The proposed external amenity area would be separated from the road and neighbouring properties by the cycle/refuse storage area and new gabion wall along the rear boundary. The arrangement of the amenity area positioned behind the gabion wall would be similar to the small amenity areas found at the front of the contemporary dwellings opposite at Nos. 5 and 8 Gold Lane.
12. Whilst the outlook from the bedroom area over the pedestrian accessway and small enclosed amenity area would be restricted by the narrowness of the proposed window and the high boundary wall, given the overall design and layout of the residential unit, the outlook and light available via the window on the rear elevation together with the internal window and the rooflights would be reasonably open and allow sufficient light penetration to the bedroom area. Overall, I consider the development would provide a satisfactory level of light and outlook for the future occupiers in the bedroom area.
13. Given the design and layout of the development, together with the boundary treatment and the separation distance between the properties and the public highway, I consider that the development would not result in significant overlooking nor disturbance to the future occupiers in the external amenity area at the rear. The relationship between the proposed external amenity area and the adjacent properties and the public highway would not be significantly materially different to the existing situation found on the opposite side of Gold Lane. I therefore consider that the development would result in a reasonable living environment and provide a satisfactory standard of accommodation for the future occupants of the proposed residential unit in this particular case.
14. Consequently, I conclude that the proposed development would not result in an unacceptable impact on the living conditions of the future occupiers of the proposed residential unit with particular regard to the outlook and standard of accommodation. It would be consistent with the overall aims of Policies DM01 and DM02 of the DMP, Sustainable Design and Construction Supplementary Planning Document 2016 and the SPD. These policies and guidance seek, amongst other things, to ensure that development proposals achieve a high quality design, minimum amenity standards and provide adequate privacy and outlook for adjoining and potential occupiers.

**Other Matters**

15. I have noted the other development in the area drawn to my attention by the main parties. However, the residential conversion to the outbuilding at No. 249

Deansbrook Road and the residential unit to the rear of No. 199 Deansbrook Road have different development and locational characteristics to the appeal scheme. In any event, I am unaware of the full circumstances associated with these other cases and therefore accord them limited weight in this case.

16. I have considered the Council's argument that the granting of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds in this case.
17. I have noted the objections raised by third parties to the proposal. These include the impact of noise, vibrations and disturbance during the construction works and the impacts on the amenities in the area. However, I have addressed the matters relating to the character of the area and the living conditions of the future occupiers in the main issues above. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate.

### **Conditions**

18. Having regard to the National Planning Policy Framework, and in particular paragraph 55, I have considered the conditions suggested by the Council and appellant but with some variation to the wording where necessary and in the interests of clarity. In addition to the standard time limit conditions, I have specified the approved plans as this provides certainty. Those conditions relating to the detailing of the external materials, hard and soft landscaping, boundary treatment, use of obscured glazing to the proposed rooflights and the removal of permitted development rights are necessary in order to safeguard the amenities of the nearby and future residents and the character and appearance of the area.
19. A condition relating to cycle parking and cycle storage facilities is necessary in the interests of highway safety and to promote sustainable transport. A condition relating to the waste and recycling storage facilities and collection is necessary in the interests of amenity and promoting sustainable waste management. I agree that the condition relating to measures to improve carbon dioxide emission levels is necessary in order to ensure a sustainable development and minimise carbon dioxide emissions.
20. The Council has suggested two conditions relating to water saving and efficiency and accessibility arrangements that specify compliance with the relevant parts of Building Regulations. As the requirements of these conditions are administered and enforced by legislation other than planning, the suggested conditions are not necessary, reasonable nor relevant to planning.

### **Conclusion**

21. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

*David Troy*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: GGS20033 001 - Site Location and Block Plans (received 30.09.20), GGS20033 002 - Existing Plans and Elevations (received 30.09.20) and GGS20033 003 Rev 10 - Proposed Plans and Elevations (received 09.12.20).
- 3) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) Before the development hereby permitted is first occupied, a scheme of hard and soft landscaping, including details of size, species, planting heights, densities and positions of any soft landscaping, has be submitted to and agreed in writing by the Local Planning Authority. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 5) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full in accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
- 6) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of cycle parking and cycle storage facilities shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in full in accordance with the details as approved prior to the first occupation and shall be permanently retained thereafter.
- 7) The gabion walling (means of enclosure) shown on approved plan GGS20033 003 Rev 10 - Proposed Plans and Elevations shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.
- 8) Before the building hereby permitted is first occupied, the proposed rooflights shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order) no development otherwise permitted by any Class of Part 1 of Schedule 2 of that Order shall be carried out within the area of the proposed development hereby permitted.
- 10) Prior to the first occupation of the development hereby permitted, it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the Part L of the current Building Regulations 2021. The development shall be maintained as such in perpetuity thereafter.