
Appeal Decision

Site visit made on 23 August 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2021

Appeal Ref: APP/N5090/W/21/3268357

48 Chestnut Grove, East Barnet, Barnet EN4 8PU

- 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 D McCarthy (Portdevon (Barnet) LLP) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/3632/FUL, dated 5 August 2020, was refused by notice dated 17 December 2020.
 - The development proposed is the demolition of existing dwelling and erection of 3no dwellings house. Provision of off-street parking, amenity space and associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has changed from the application form the Council decision notice. The evidence indicates that this change has been agreed with the appellant. I have therefore considered the proposal on this basis.
3. A preliminary ecological appraisal¹ (PEA) dated January 2021 has been submitted alongside the appeal. This report relates directly to one of the refusal reasons and the Council has been able to comment on its contents. I have therefore considered it reasonable to accept it as part of the evidence in support of the appeal.

Main Issues

4. The first main issue is the effect of the proposal on the character and appearance of the area. The second is whether sufficient information is available to enable a determination to be made in relation to any impact on biodiversity.

Reasons

Character and appearance

5. The appeal site lies within a residential part of East Barnet, the existing detached dwelling occupying an unusually large plot for the area which incorporates extensive rear gardens which include a lake.

¹ Preliminary Ecological Appraisal by BJ Collins January 2021.

6. There is no dispute between the parties as to the principle of demolishing the existing dwelling. The character of residential properties within the area is mixed, with detached, semi detached and terraced properties all in evidence. A bungalow occupies a plot closely to the north east of the appeal site. Roof forms are mixed, although gabled roofs are common.
7. The three properties would be placed across the frontage of the site, importantly allowing the rear garden space and lake to be largely retained. While the openness of the site would be reduced when viewed from the road, the existing planted and fenced frontage is somewhat of an anomaly in the street and the development would fall short of occupying the full site frontage. This is because side space would be retained between the dwellings and neighbouring properties.
8. The angled design of the property at the south west end of the terrace would represent a slightly different approach to the layout of the development than the existing straight terraces within the street but would be an adequate solution to the corner location of the plot. The dwellings would be two storey, as per much of that surrounding, and their scale would not be out of keeping with the locality.
9. The proposal would not therefore be harmful to the character and appearance of the area. Subsequently, it would accord with Policies CS5 of the Core Strategy (2012) (CS) and DM01 of the Development Management Policies (2012) (DMP) which amongst other things require high quality development that is appropriate to local character. I have not identified conflict with the SPD² guidance with regard to this particular matter.

Biodiversity

10. The PEA submitted alongside the appeal indicates that previous bat survey work up to 2020 found low-level usage of the existing dwelling on the site as a small day roost for soprano pipistrelle bats. This roost would be lost as a result of the demolition of the dwelling.
11. The presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before any planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
12. The evidence indicates that a protected species license would be required. However, the PEA indicates that further survey work could be required if the demolition of the existing house were to take place beyond May 2021 as the licensing process, demands surveys from the most recent active season. Given that surveys from the most recent active season are not included within the evidence, I cannot therefore be certain that a protected species license would be granted.
13. Moreover, in the absence of surveys from the most recent season, there cannot be any certainty as to the current status or use of the roost and consequently it is not possible to ensure that any required mitigation measures would

² Local Plan Supplementary Planning Document: Residential Design Guidance October 2016.

specifically address any potential harm. It would not therefore be reasonable to condition further surveys in this instance.

14. The proposal would therefore conflict with Policy DM16 of the DMP which amongst other things requires the retention and enhancement of biodiversity. There would also be conflict with SPD guidance which advises amongst other things that the implications of the presence of protected species and animals should be considered and where necessary ecological surveys and suitable mitigation measures will normally be required.

Planning Balance

15. The proposal would bring about some economic and social benefits and would contribute towards housing supply. However, such benefits would be outweighed by the adverse impact of the proposal.
16. Material considerations do not indicate that the decision should be taken otherwise than in accordance with the development plan.

Conclusion

17. The appeal should therefore be dismissed.

T J Burnham

INSPECTOR