



Appeal Decision

Site Visit made on 21 September 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 26th October 2021

Appeal Ref: APP/N5090/W/21/3270296

1 Halliwick Road, Muswell Hill, London N10 1AA

- 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 Ben Ridley of Architecture for London against the decision of London Borough of Barnet.
 - The application Ref 20/6240/FUL, dated 23 December 2020, was refused by notice dated 17 February 2021.
 - The development proposed is described as, 'a new residential house on the site of an existing garage and workshop, to the side of 1 Halliwick Road'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the living conditions of the occupiers of Nos 135 and 137 Colney Hatch Lane (No 135 and No 137) with regard to outlook; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

3. The proposal would be sited to the side of No 1 Halliwick Road (No 1) and the rear of Nos 135 and 137. While the first floor would be set back a short distance from the boundary with the properties on Colney Hatch Lane, it would nonetheless bring the flank elevation significantly closer to the rear elevations and boundary with the rear gardens of Nos 135 and 137.
4. Given the limited depth of the rear gardens of these properties, the first floor would dominate not only the view from the rear gardens, but also the windows of the rear elevations of these properties. While I acknowledge that the scheme would sit roughly within the silhouette of No 1, and the distance to the rear windows of Nos 135 and 137, given the reduction in this distance, the scheme would appear overbearing and unduly prominent from these properties.
5. Consequently, the proposed development would harm the living conditions of the occupiers of Nos 135 and 137 with regard to outlook. Therefore, it would conflict with Policy DM01 of the Barnet's Local Plan (Development Management

Policies) Development Plan Document September 2012 (DMP) which seeks, among other things, development that allows for the outlook of adjoining occupiers. It would also conflict with the aims of the Supplementary Planning Document: Residential Design Guidance October 2016 (SPD) which seeks adequate outlook among other things.

6. Since Policy CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document September 2012 (CS) does not relate to living conditions, it is not directly relevant to this main issue.

Character and appearance

7. The site lies adjacent to No 1 which is primarily characterised by traditional two-storey dwellings with bay windows such that the area has a pleasant character and appearance. Given its location near the junction with Colney Hatch Lane, the site is also viewed against the side and rear elevation of No 135.
8. The existing gap between No 1 and the rear of No 135 provides a spacious aspect to the area which is otherwise largely characterised by two-storey terraced and semi-detached buildings. However, the height of the proposal would be significantly lower than the roof of the building at No 1 and a spacious aspect would continue to be provided by the rear garden of No 135. Therefore, while the gap would be partially closed at first floor by the proposal, the scheme would not unduly diminish the openness that the site currently provides to the vicinity.
9. The flank wall of the proposed first floor would be at right angles to the street. The floor plan of the first floor would extend a similar distance to the rear as that of No 1 with a similar shape albeit the corner would be curved. The massing at first floor would therefore not appear incongruous compared with the adjacent buildings.
10. While the first floor would have a flat roof, given the set back from the front elevation of the adjacent buildings and that the height of the roof would be roughly in line with the eaves level of No 1, the massing as a whole would appear subordinate to the adjacent buildings. Furthermore, the flat roof would echo the roof of the rear extension at No 135. Therefore, the flat roof element of the scheme would not harm the character and appearance of the area.
11. The ground floor would extend in part to the side boundary which is at an angle to the flank elevation of No 1. However, given its siting at the end of the terrace, the shape of the site itself departs from the prevailing pattern of development. In addition, since the scheme would provide a moderate sized space at the rear for private amenity space, the building would not appear overly large for the size of the plot.
12. The scheme would clearly be a departure in terms of style compared with other buildings along the street. However, the proposed fenestration on the front elevation would echo the proportions of other windows along the street and the use of render would also be in keeping with other buildings in the area. Overall, the massing, form and siting of the scheme would be a sympathetic addition to the street scene.
13. Consequently, the proposal would not harm the character and appearance of the area. Therefore, it would not conflict with CS Policies CS1 and CS5 in this

particular respect which seek, among other things, to conserve and enhance the distinctiveness of Barnet and development that respects local context and buildings of high-quality design. It would also not conflict with Policy DMP Policy DM01 in this particular respect which seeks, among other things, high quality design. In addition, the scheme would not conflict with the SPD in this respect.

14. CS Policy CS NPPF relates to the presumption in favour of sustainable development and is therefore not directly relevant to this main issue.

Other Matters

15. I note the evidence regarding light as well as the comments of the previous Inspector. However, given the harm identified above, these have not altered my overall decision.
16. I acknowledge the examples of other sites noted by the Appellant. However, they appear to be in different locations such that they are not directly comparable to this appeal in terms of character and appearance or outlook. In any event, each case must be determined on its individual merits.
17. I also acknowledge the evidence regarding housing supply. The scheme would contribute a dwelling to the local housing supply, and there would be associated social and economic benefits. However, given the limited scale of the proposal, these benefits would be limited and would not override the harm to the living conditions of neighbouring occupiers identified above.

Conclusion

18. For the reasons given above, the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR