



Appeal Decision

Site Visit made on 28 September 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2021

Appeal Ref: APP/N5090/D/21/3273561

144 Abbots Road, Burnt Oak, Edgware HA8 0SB

- 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 Ms Hassan against the decision of London Borough of Barnet.
 - The application Ref 21/0097/HSE, dated 8 January 2021, was refused by notice dated 10 March 2021.
 - The development proposed is detached ancillary outbuilding for use as a residential annexe.
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Decision

1. The appeal is allowed and planning permission is granted for a detached ancillary outbuilding for use as a residential annexe at 144 Abbots Road, Burnt Oak, Edgware HA8 0SB in accordance with the application, Ref 21/0097/HSE, dated 8 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Proposed Block Plan; Plans Drawing Number A2-01a and Elevations Drawing Number A2-02a
 - 3) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling 144 Abbots Road, Burnt Oak, Edgware HA8 0SB.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the conversion of an existing outbuilding to ancillary residential use. The Council dealt with the proposal on this basis and so shall I.
4. At the time of my site visit I observed differences between the plans submitted as part of the application and the development carried out. Namely the door

and windows are in different positions. The appellant has submitted amended plans to reflect the building as built on site. I am satisfied that no main party has been prejudiced by this approach.

Main Issues

5. The main issues are:

- The effect of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Watling Estate Conservation Area (CA); and
- The effect of the proposal upon the living conditions of nearby occupiers with regard to noise and disturbance.

Reasons

Character and appearance including effects on heritage assets

6. The CA derives its significance from its Garden City planning layout. Houses are generally similar in scale, form, materiality and architectural details, although a number of dwellings have been altered resulting in a degree of variety. Outbuildings are present in the surrounding area and vary in size, roof style, height and building materials.
7. The outbuilding is located at the bottom of the garden, set in from the side boundaries and is accessible from the rear garden. The property benefits from a side entrance and lean to extension which, at the time of the site visit, contained domestic paraphernalia.
8. Whilst the building is not connected to the main house it is sited within the rear garden sharing the garden area and pedestrian access is either to be through the house or the side access and lean to. It would not contain a kitchen and facilities would be shared between the main dwelling and outbuilding.
9. The outbuilding is not noticeable from any public vantage points and in private views I am satisfied that the outbuilding would continue to be regarded as another one at the end of a garden, similar to the variety of outbuildings in the area, respecting the pattern of development locally.
10. Notwithstanding the Council's comments there is no credible evidence to indicate that the proposal would lead to additional residential paraphernalia in the rear garden.
11. Occupation as primary living accommodation would be an unacceptable form of development. However, I am satisfied that a planning condition requiring ancillary occupation would prevent this harm from occurring.
12. I conclude that the proposed development would not harm the character of the area and would preserve the significance of the Watling Estate Conservation Area. It would accord with Policies D1 and D4 of the London Plan (2021) (LP), Policies CS1 and CS5 of the Core Strategy (2012) (CS) and Policies DM01 and DM06 of the Development Management Policies Development Plan Document (2012) (DPD) which, amongst other things, seek to ensure that development respects local context and character, respects the pattern of surrounding buildings, spaces and streets and has regard to local historic context.

13. It would also accord with guidance contained within the Residential Design Guidance Supplementary Planning Document (2016) and the Watling Estate Conservation Area Character Appraisal Statement (2007) which, amongst other things, sets out guidance relating to annexes to dwellings and the historic environment.
14. The Council has referred to LP Policy D6 in the reason for refusal, however, I find that with specific regard to this appeal I have given it negligible weight in coming to my decision.

Living conditions of existing occupiers

15. The outbuilding is to be used as ancillary accommodation for the host property with cooking facilities shared with the main dwelling. Whilst this would result in movement between the two, these would be domestic movements through the garden and would not be excessively noisy or result in any significant disturbance for neighbours.
16. I conclude that the proposed development would not unacceptably harm the living conditions of neighbouring occupiers in respect of noise and disturbance. It would accord with CS Policies CS1 and CS5 and DPD Policy DM01 which, amongst other things, require high quality design and developments to preserve or enhance local character.
17. The Council has referred to LP Policy D4, DPD Policy DM02 and the Sustainable Design and Construction Supplementary Planning Document (2016) in the reason for refusal, however, I find that with specific regard to this appeal I have given them negligible weight in coming to my decision.

Conditions

18. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition requiring the development to be occupied as ancillary accommodation in order to safeguard the character of the area.

Conclusion

19. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR