

Appeal Decision

Site visit made on 24 September 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Reference: APP/N5090/D/21/3276570

Land at 29 Connaught Avenue, East Barnet, Barnet EN4 8PJ

- 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 and Mrs G Savva against the decision of Enfield Council.
 - The application (reference 21/1710/HSE, dated 24 March 2021) was refused by notice dated 24 May 2021.
 - The development proposed is described in the application form as “demolition of existing outbuilding; erection of new single storey building to be used as a granny annex”.
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Decision

1. The appeal is allowed and planning permission is granted for “demolition of existing outbuilding; erection of new single storey building to be used as a granny annex”, at 29 Connaught Avenue, East Barnet, Barnet EN4 8PJ, in accordance with the terms of the application (reference 21/1710/HSE, dated 24 March 2021), subject to the conditions set out in the attached Schedule of Conditions.

Main issues

2. There are two main issues to be determined in this appeal. The first is the effect of the proposed development on its surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by increased disturbance).

Reasons

3. The appeal site is located in a residential suburb of Barnet that is characterised by single-storey and two-storey homes in terraces and semi-detached pairs. The area is closely built up with modest plot sizes.
4. Number 29 Connaught Avenue is a semi-detached bungalow, with number 31, that stands on a corner plot at the junction with Myrtle Close. The front garden has largely been surfaced to provide a car parking area, although there is an outbuilding at the end of the plot that comprises a garage and a barbecue area. The garage has its access from Myrtle Close. The modest back garden is neatly maintained and is evidently well used.

5. It is now proposed that the existing outbuilding adjacent to the rear boundary should be demolished and that a new outbuilding should be erected, to provide living accommodation as a “granny annex”.
6. Policies in the Development Plan are aimed at protecting and enhancing the environment generally, as well as protecting residential amenities. The general aim of achieving good standards of design derives, in particular, from Policy CS5 of ‘Barnet’s Local Plan (Core Strategy) DPD’ (adopted in September 2012) and Policy DM01 of ‘Barnet’s Local Plan (Development Management Policies) DPD’ (also adopted in September 2012). These Policies are intended to promote good design generally, as well as to safeguard the amenities of adjoining occupiers, among other things.
7. Similarly, policies in ‘The London Plan’ and national planning policies (as set out in the ‘National Planning Policy Framework’) also continue to emphasise the importance of achieving good design. They make it plain that new development is to be well designed and sympathetic to its surroundings. The recent revisions to the ‘National Planning Policy Framework’) do not fundamentally affect these basic planning principles in the context of this appeal.
8. The Council’s ‘Supplementary Planning Document: Sustainable Design and Construction’ (adopted in October 2016) is also relevant, although it does not have the same force as Policies in the Development Plan.
9. The existing garage and barbecue building has a simple rectangular footprint, across the rear of the plot, with a garage door facing Myrtle Close. The footprint is similar in size to that of another outbuilding on the adjoining property. The building has white rendered external walls, with a flat roof and is a simple and undistinguished structure that has an obvious impact on the streetscene.
10. It is proposed that the existing building would be demolished, to be replaced by the new outbuilding. The new building would lie across the back of the site, as does the existing building, but it would be deeper on plan than the existing building. Even so, the increase in area would be limited, while the height of the new building would be similar to that of the existing building. In short, the visual impact of the new building on the streetscene and the surroundings would not be greatly different from that of the existing building.
11. The use of the new outbuilding could be more intensive than that of the existing structure, although the barbecue area, adjacent to the neighbours’ boundary appears to be well used. Even so, it must be acknowledged that the ways in which people use their homes and gardens can vary between different families. Such activities are not subject to planning control, of course, and domestic outbuildings can reasonably be used in many different ways.
12. Thus, the use of the outbuilding as an ancillary building would not cause undue disturbance to neighbours in the urban context; indeed, outbuildings can be classified as “permitted development” subject to certain constraints. In consequence, I have concluded that the proposal would also be acceptable in terms of its impact on the amenities of neighbours.

13. On the other hand, the use of the new outbuilding as a separate dwelling would be clearly unacceptable, because the site would be too small to provide adequate amenity space and separation and because such a development would amount to an overly intensive use of the site. Such a separate use would require the grant of planning permission but, for the avoidance of doubt, I am convinced that a condition is necessary and desirable to clearly bind the use of the proposed outbuilding as an ancillary domestic building. It has also been pointed out that that access to the outbuilding would only be obtainable through the existing house and this, too, could be controlled by condition. I am persuaded that such conditions would be enforceable in the circumstances of this case.
14. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed outbuilding would be a useful addition to the accommodation at 29 Connaught Avenue. It must be clear that the outbuilding can only be used as ancillary accommodation to the dwelling house. With that in mind, however, I have concluded that the project would not have a harmful effect on its surroundings generally or on the residential amenities of immediate neighbours and that, therefore, it would not be in conflict with the Development Plan.
15. In short, I am persuaded, on balance, that the scheme before me can properly be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
16. I have, however, also considered the need for conditions and, in imposing them, I have taken account of the Council's submissions on conditions (made without prejudice to their main arguments in the appeal). In particular, I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained. I have also attached conditions to define and limit the future use of the outbuilding, as explained above.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number 1838-E01-00, revision P1 (Ordnance Survey Map, Existing Site Plan & Streetscene Photo);
 - drawing number 1838-E01-01, revision P1 (Existing Site Photos & Aerial Views);
 - drawing number 1838-E02-00, revision P1 (Existing Ground Floor & Roof Plans);
 - drawing number 1838-E03-00, revision P1 (Existing Elevations);
 - drawing number 1838-P02-00, revision P1 (Proposed Ground Floor & Roof Plans);
 - drawing number 1838-P03-00, revision P1 (Proposed Elevations & Sections).
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
4. The outbuilding that is hereby approved shall be used for purposes ancillary to the residential use of the dwellinghouse at 29 Connaught Avenue, East Barnet, Barnet EN4 8PJ and for no other purpose.
5. No new vehicular or pedestrian access to the appeal site, which includes the outbuilding hereby permitted, shall be created without the prior written approval of the local planning authority.