



Appeal Decision

Site visit made on 28 September 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4th November 2021

Appeal Ref: APP/N5090/W/21/3273760

57 Sheaveshill Avenue, Colindale, London NW9 6SA

- 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 L Dabasia against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/6284/FUL, dated 24 December 2020, was refused by notice dated 23 February 2021.
 - The development proposed is described as part single, part two storey side and rear extension to create 1no self contained flat to existing dwelling containing 2no self-contained flats. Associated cycle store, refuse/recycling area, amenity space and provision of off street parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development has been taken from the appeal form and the Council's Decision Notice. This more accurately reflects the proposal than the application form, which omits specific reference to a rear extension.
3. The Council's decision notice refers to policies of the London Plan 2016. The London Plan 2021 has now been adopted. As appeals must be determined in accordance with the policies in force at the time the decision is made the policies of the London Plan 2021 have been used in this decision. Parties were given the opportunity to comment on the updated position and these comments have been considered, where received.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been considered.

Main Issues

5. The main issues are the effect of the development on the character and appearance of the host dwelling and the surrounding area; and the living conditions of future occupiers, with particular regard to the provision of internal floorspace and external amenity space.

Reasons

Character and Appearance

6. The appeal property is located at the junction of Sheaveshill Avenue and Court Way. It comprises a two storey semi-detached dwelling in use as two self-contained flats. Although extended it retains an overall modest scale and simple shape, particularly along the front elevation, which reflects the predominant character of Sheaveshill Avenue.
7. The proposal would introduce a side and rear extension at the property. It would be constructed from matching materials, set down from the main roofline, and set back from the front building line. Nonetheless, it would be a sizeable addition, introducing significant bulk that would fail to respect the modest proportions of the host dwelling. Combined with the existing rear extension and rear dormer, it would result in an overly large and disjointed appearance, creating an arrangement of built form at odds with the character of the host dwelling.
8. In addition, the side extension would conflict with the Supplementary Planning Document: Residential Design Guidance, October 2016 (the SPD). It would be greater than half the width of the original house and would project beyond the building line of Court Way. The roof would also be set down 0.1 metres less than advised. While the SPD represents guidance rather than policy it remains a material consideration and the failure of the proposal to follow this guidance is indicative of its harmful effect on the character and appearance of the area in general and the host dwelling in particular.
9. The proposal would be highly visible in the area, on a prominent corner plot. It would be read primarily among the other properties directly fronting Sheaveshill Avenue, to which the appeal property relates and which remain predominantly modest in size and simple in shape. As a result of its scale, the proposal would be an incongruous feature in this group of dwellings, and the appeal site would appear overdeveloped in context.
10. The appellant has referred to nearby properties with similar extensions to the proposal. However, these extensions are not a defining characteristic of the immediate context and some serve to highlight the harmful effect such development can have on the surrounding character. In any event, I have no information on the circumstances under which these examples were permitted. The appeal must be assessed in accordance with current policy and on its own site specific circumstances. Reference to other development elsewhere carries little weight, which does not outweigh the harm identified.
11. I find that the development would have a significant adverse effect on the character and appearance of the host dwelling and surrounding area. As such, it would fail to accord with Policies CS1 and CS5 of the Barnet's Local Plan Core Strategy Development Plans Document, September 2012 (the Core Strategy); Policy DM01 of the Barnet's Local Plan Development Management Policies Development Plans Document September 2012 (the DMP); Policy D3 of the London Plan 2021 and the SPD, which seek to promote good design.

Living Conditions

12. The proposal would create three flats at the site, with Flats A and B meeting the minimum internal space standards as set out in the London Plan 2021.

However, Flat C would be a two person, one bedroom dwelling of 56m² over two floors. For such dwellings the required floorspace in the London Plan is at least 58m². Although the proposed floorspace represents a minor shortfall, it is nonetheless indicative of the flat being unduly small.

13. In particular, the useable area of the bedroom and narrow kitchen would limit possible arrangements of furniture and fixtures for two people. This would likely create a cramped layout with minimal circulation space in these rooms. Overall, Flat C would therefore not provide suitable accommodation for future occupiers in terms of internal floorspace.
14. Outdoor amenity space requirements are provided in Table 1.2 of the SPD. While the level of provision would be sufficient in this case, the SPD recognises that the quality and usability of the space are fundamental considerations. In this regard, the space for Flat B would be located to the rear of the site, behind those for the other flats and accessed via a side gate on Court Way, and the space for Flat C would be narrow in shape.
15. The Council agrees that the narrow shape of the Flat C amenity space does not warrant refusal and from my observations I have no reason to disagree. However, the siting of the space for Flat B would significantly reduce the usability of this area. With no access from within the site its practicality would be compromised. It would be unlikely to comfortably and conveniently support certain roles expected of such space, such as hanging out washing. While a local park is present nearby, it does not compensate for the lack of adequate on-site private amenity space. The proposed outdoor space for Flat B would therefore not be sufficient to meet the needs of the future occupiers.
16. For the reasons given above I find that the development would have a significant adverse effect on living conditions for future occupiers, with particular regard to provision of internal floorspace and external amenity space. As such, it would fail to accord with Policy CS5 of the Core Strategy; Policy DM01 of the DMP; Policy D6 of the London Plan 2021 and the SPD, which seek to ensure housing supports a good quality of life and does not have an unacceptable adverse impact on amenity.

Other Matters

17. The appellant has highlighted that, as the property benefits from permission for two flats, the addition of the proposal would have minimal impacts on the amenity of neighbouring occupiers and the availability of parking within the area. These aspects of the proposal are acknowledged and represent examples of a lack of harm, which is a neutral matter that does not weigh in favour of the proposal.

Conclusion

18. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR