



Appeal Decision

Site Visit made on 15 November 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2021

Appeal Ref: APP/N5090/W/21/3274402

67 WESTBURY ROAD, FINCHLEY N12 7PB

- 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 Mohammed Ibrahim against the decision of London Borough of Barnet.
 - The application Ref 20/5045/FUL, dated 12 November 2020, was refused by notice dated 8 January 2021.
 - The development proposed is the erection of a detached two storey dwelling following demolition of the existing garage.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a detached two storey dwelling following demolition of the existing garage at 67 Westbury Road, Finchley N12 7PB, in accordance with the terms of the application, Ref 20/5045/FUL, dated 12 November 2020, and the plans submitted with it, subject to the attached schedule of conditions.

Preliminary Matters

2. The Council partly refused the proposal due to concerns with respect to its impact on a Horse Chestnut Tree located adjacent to the site's frontage. Following the appellant's submission of an Arboricultural Impact Assessment¹ (AIA), the Council has withdrawn these concerns. The Assessment identifies that subject to the implementation of tree protection measures, in accordance with paragraphs 3.4 to 3.10 of the AIA, the tree would be unaffected by the proposed development. I recognise that the tree makes a positive contribution to the character and appearance of the area. Upon review of the evidence, I see no reason to disagree with the findings of the Assessment or the Council's view. As such, this matter is satisfied, and I shall disregard the Council's initial concerns in this regard.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the streetscene and the wider locality.

Reasons

4. Westbury Road is a residential street within a suburban location. Housing consists of a variety of styles but predominantly consists of semi-detached housing, many of which with projecting two-storey bay windows. The pattern of

¹ AIA by David North, 20 April 2021

development around the appeal site is relatively close-knit, with several local examples of extensions above garages resulting in limited gaps being retained between built form. Development becomes more dispersed to the northeast of the site where detached housing is more prevalent and gaps between dwellings increase. The appeal site is a parcel of land that is enclosed by frontage hedging and contains a side garden and single garage. The site is adjacent to a wide access route into Dollis Valley Greenwalk. The site's host dwelling, and the space around it, make a positive contribution to the character and appearance of the area.

5. The proposed dwelling would be located to the side of the existing dwelling. It would incorporate design features evident within the host building, including a two-storey bay window, a similar window design and porch. It would also follow the established front building line and the scale of neighbouring development. The proposal would be a two-storey form, with a single storey element to its side that follows the alignment of the side boundary. Therefore, the proposal would be a conventional shape, despite its non-uniform alignment to the side boundary. The proposal would not contribute to the formation of a terrace as it would retain a gap, enabling it to accord with the spacing of many local dwellings.
6. The site makes a contribution to the gap formed by the access to the park. However, this contribution is limited due to the presence of existing landscaping and built form and the site's relatively narrow width. The access footpath into the park runs through the middle of a grassed parcel of land, on a gradual gradient down into the main area of the park. Views along the path take in existing built form. Buildings do not especially crowd the gap despite the existing proximity of No 65 to its boundary. The main mass of the proposal would be partially set away from the side boundary, presenting some sense of separation to the green route into the park. The proposed dwelling would therefore not be dominant or overbearing from this vantage. Although, views of the adjacent open gap would be reduced from the street and Westbury Grove, this effect would be marginal and not demonstrably harmful. As a result, the proposed dwelling would integrate well with the local pattern of development and complement the character and appearance of the streetscene and wider locality.
7. Accordingly, the proposal would satisfy policy CS5 of the Barnet Core Strategy (2012)(CS), policy DM01 of the Barnet Development management Policies DPD (2012)(DPD) and the Council's Residential Design Guidance SPD (2016). These policies, among other matters, seek development that is based on an understanding of local character and to create buildings of high-quality design.

Other Matters

8. The proposed dwelling would meet the Council's internal and external space standards and the Nationally Described Space Standards. Furthermore, although the rear garden would be small in comparison to neighbouring dwellings, it would be of sufficient size to provide for the day-to-day needs of future occupying families. The garden would be partially overlooked by rear windows of No 67. However, these views would be oblique and would not provide any views into the immediate rear patio area of the dwelling, resulting in limited harm to the privacy of future occupiers.

9. The existing dwelling has a number of side windows that would be in close proximity to the side of the proposal that serve non habitable rooms. Also, the proposed dwelling would include side windows that serve a cloakroom and hall. Therefore, although access to natural daylight would be limited in these rooms, the effect would be negligible due to the non-habitable function of these spaces. Consequently, this would not result in a detrimental impact on the living conditions of existing or future occupiers.
10. The proposal would include two parking spaces and would create a new space for the existing dwelling. The majority of local dwellings include on plot parking for at least one car. Also, the adjacent highway is not subject to a Controlled Parking Zone. I recognise the concerns raised by some interested parties with respect to on street parking pressure. However, the majority of parking needs would be accommodated on-site and there would be sufficient on-street parking available to accommodate the limited additional demand.
11. I have also taken into account representations in regard to the potential impact of the proposal on local services, such as schools and medical services, but these matters do not affect my findings on the main issue.
12. The moderately constrained location could result in some temporary disturbance from construction vehicles. However, a Construction Transport Management Plan and control over construction hours could be imposed by planning conditions. These could suitably regulate site management and specify construction to take place in the daytime avoiding anti-social times.

Conditions

13. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity.
14. It is necessary for details relating to tree protection and construction management to be submitted prior to the commencement of development. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. These are required prior to construction commencing because tree protection measures may affect the foundation design and material storage areas and construction details relate to the initial setting out of the site. These measures would ensure that the development would suitably protect the important Horse Chestnut Tree during construction. It would also ensure that the construction process would have an acceptable impact on the living conditions of adjacent residential occupiers and highway safety [conditions 4 and 5].
15. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty [1 and 2]. Conditions are necessary with respect to the provision of suitable materials and cycle/bin stores in the interests of the character and appearance of the area [3 and 6]. It is necessary to limit hours of construction in the interests of the living conditions of neighbouring residential occupiers [7]. It is also necessary for the provision of water management measures and to deliver reduced carbon emissions, to comply with policy CS13 of the CS, SI 5(c) of the London Plan (2021) and the Council's Sustainable Design and Construction SPD [8 and

10]. Furthermore, a condition is also required to ensure that the dwelling would be accessible and adaptable in satisfaction of policy DM02 of the DPD and Standard 11 of the Mayor's Housing SPG [9].

Conclusion

16. The proposal would accord with the development plan, when taken as whole, and there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. As such, the appeal is allowed, and planning permission granted subject to the attached conditions.

B Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, PR-1-MR: Proposed Ground Floor Plan, PR-2-MR: Proposed First Floor Plan, PR-3-MR, Proposed Front Elevation PR-4-MR, Proposed Rear Elevation PR-5-MR, Proposed North Side Elevation PR-6-MR, Proposed South Side Elevation PR-7-MR and Proposed Roof Plan.
- 3) Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the development and details of all hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until a Construction Transport Management Plan, to include details of: (a) parking for vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; and (c) storage of plant and materials, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented during the construction of the development.

- 5) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.
- 6) Before the development hereby permitted is first occupied cycle storage, and storage of recycling containers and wheeled refuse bin facilities, shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved under this condition and the provision shall be permanently retained thereafter.
- 7) No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 08:00 hours or after 13:00 hours on Saturdays, or before 08:00 hours or after 18:00 hours on any other day.
- 8) Prior to any above ground works commencing, details of water saving and efficiency measures, to ensure that a maximum of 105 litres of water is consumed per person per day, shall be submitted to and approved in writing by the local planning authority. Any grey water and rainwater systems shall be managed separately from the potable water system. The approved measures shall be maintained as such in perpetuity thereafter.
- 9) Prior to any above ground works commencing, and notwithstanding the details shown in the drawings submitted, details shall be submitted to the Local Planning Authority showing accessibility and adaptability measures within the dwellinghouse. The development shall be maintained, with the incorporation of these measures, in perpetuity thereafter.
- 10) Prior to any above ground works commencing, details incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions (when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations) shall be submitted and approved by the Local Planning Authority and be implemented prior to the first occupation of the development.

End of conditions