
Appeal Decision

Site visit made on 11 January 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/N5090/W/21/3278353

2 Brunswick Crescent, New Southgate, London N11 1EB

- 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 Mrs Clare Jones against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/0934/FUL, dated 21 February 2021, was refused by notice dated 27 April 2021.
 - The development proposed is described as 'replace existing rear extension for a 2 storey rear extension and the creation of a new dwelling attached to the existing building to create a 2 bedroom end of terrace house'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of the appeal, the appellant has submitted amended plans. This relates to reduction in the height of the two storey flat roofed rear extension/development to the host property and the proposed dwelling. The amended height of this development would match the roof height of No 4 Brunswick Terrace. As this change would result in development that is not as high as proposed originally, I am satisfied that no interested party would be prejudiced by me accepting the amended plans for the purposes of determining the appeal. I have therefore determined the appeal in accordance with amended plan Nos 104 Rev A and 105 Rev A.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the area; (ii) whether acceptable sized outside amenity space would be available for the occupiers of the No 2 Brunswick Road and the proposed dwelling, and (iii) whether in the absence of off-street car parking the proposal would lead to an unacceptable level of on-street car parking stress on surrounding roads.

Reasons

Character and appearance

4. The appeal property is an end of terrace dwelling in a predominantly residential area on the corner of Brunswick Crescent and Brunswick Park Road. Unlike most of the other properties in the area, the appeal site includes a side garden

area that fronts Brunswick Park Road. It is proposed to erect a two-storey dwelling to the side of the host property and including two storey and flat roofed rear outriggers following demolition of existing development to the rear and including demolition of a detached garage building. Two separate garden areas would be formed measuring about 32 square metres each.

5. The new dwelling would be built on land that is currently used as a side garden. While the appellant has referred me to examples of dwellings and development positioned close to roads in the wider area, I was able to see as part of my site visit that Brunswick Park Road has a very strong and mainly unbroken and long building line. I acknowledge that the single storey garage on the appeal site and the single storey extension to the property on the corner of Brunswick Avenue and Brunswick Park Road do break this building line. However, these are the exception rather than the norm and unlike the proposed two storey dwelling are not as high or dominant in the street-scene. Put another way, to the passer-by Brunswick Park Road is positively experienced as having a strong building line and this is particularly the case in terms of two storey development.
6. In the context of the above, the proposed dwelling would appear as a dominant and out of place addition in Brunswick Park Road. It would unacceptably break the building line with a bulky and prominent two storey dwelling that would be positioned tight up to the road. This would have the effect of causing significant harm to the character and appearance of the area. While the dwelling would be similar in terms of appearance, proportions and materials to the host dwelling when viewed from the front, this would not in itself overcome my concern relating to the significant harm caused to the pattern of development within Brunswick Park Road.
7. I acknowledge that the flat roofed and two storey elements of the proposal would more suitably reflect the development to the neighbouring property. Furthermore, I note the examples of flat roofed development in the locality as referenced by the appellant. Nonetheless, the appeal site is in a prominent location and the flat roofed extensions would appear as bulky and blocky additions particularly when viewed by those travelling down Brunswick Park Road.
8. I do not know the circumstances which led to the two-storey flat roofed development being constructed at No 4 Brunswick Crescent. However, this development does not appear subservient in scale when compared to other development to the rear of the terrace and, in design terms, I am not persuaded that its existence justifies opting for a similar design approach. Indeed, when seen in conjunction with the development at No 4 Brunswick Road, the proposed two storey rear development would appear as a significant block of bulky and out of proportion additions to the main parts of each dwellinghouse.
9. While I acknowledge that flat roofs can be acceptable in some situations, in this case the host dwelling and wider terrace has a simple pitched roof. In this location, and in the interests of good design, I would expect new development to the rear to be proportionate in scale and to include an in-keeping pitched roof. In reaching this view, I have taken into account Barnet's Supplementary Planning Document 'Residential Design Guide' 2016 (Residential Design Guide

SPD) which states '*flat roofs on two storey rear extensions are not normally acceptable because they do not relate sympathetically to the house*'.

10. For the collective reasons outlined above, I conclude that when the development is considered as a whole it would have a significantly adverse effect on the character and appearance of the area. Therefore, it would not accord with the character, appearance and design requirements of policy D1 of the London Plan 2021 (LP); policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (DMP DPD); policies CS4 and CS5 of Barnet's Local Plan Core Strategy 2012 (CS); the Residential Design Guide SPD; Barnet's Sustainable Design and Construction Supplementary Planning Document 2016 (Sustainable Design and Construction SPD) and chapter 12 of the National Planning Policy Framework 2021 (the Framework).

Outside Amenity Space

11. The proposal would result in reduced outside amenity space for the host dwelling. The resultant outside amenity spaces for each dwelling would respectively measure about 32 square metres thereby conflicting with the Council's Sustainable Construction SPD which stipulates 40 square metres of space for up to four habitable rooms.
12. The appellant considers that there is justification for departing from this standard given that the resultant garden sizes would be very similar to those of the rest of the terrace of dwellings and as the LP, which post-dates the SPD, requires less outside amenity space. While the resultant garden size for the host property would not be too dissimilar in size to that of other gardens in the wider terrace, this in itself does not provide reasonable justification for allowing a situation where newly formed gardens are below the standard as outlined in the Council's Sustainable Construction SPD.
13. While outside amenity space standards may differ in the LP, the Sustainable Construction SPD has been prepared to reflect local circumstances. There is no reasonable evidence before me to indicate that I should not afford it significant weight as a material planning consideration.
14. Policy D6 of the LP states that '*where there are no higher local standards in the borough Development Plan Documents*', a minimum of 5 square metres of private outdoor space should be provided for 1-2 person dwellings and an extra 1 square metre should be provided for each additional occupant. In this case, I do not consider that there is any reasonable justification for providing small gardens that fail to achieve the standard as laid out in the Sustainable Construction SPD. The outside amenity spaces would not accord with policy D6 of the LP in so far that higher outside amenity space standards are in place at local level.
15. If I were to allow the proposal, it would mean small and cramped new outside amenity spaces were formed to the detriment of the living conditions of the occupiers of the newly erected dwellings. To this extent, the proposal would conflict with the outside amenity space and living conditions requirements of policies DM01 and DM02 of the CS; policy D6 of the LP; the Residential Design Guide SPD; the Sustainable Design and Construction SPD and paragraph 130(f) of the Framework.

Car Parking

16. The proposal would not include any off-street car parking. The undisputed evidence is that the site has a PTAL score of 2 and there is no controlled car parking in operation on surrounding roads.
17. Policy DM17 of DMP DPD 2012 states that the Council will expect development to provide parking in accordance with the London Plan standards, '*except in the case of residential development*', where a maximum of 1.5 to 1 spaces should be provided per unit for terraced houses and flats (2 to 3 bedrooms).
18. In this case, the evidence is that the outbuilding/garage associated with the host dwelling is not used for the parking of a car. Therefore, and taking into account Policy DM17 of the DMP DPD, there would be a maximum requirement of 1 on-site car parking space.
19. As part of the appeal, the appellant has submitted a parking survey using the 'Lambeth Methodology'. The parking survey took place on 19 and 22 April 2021. While the survey shows high parking stress in Brunswick Crescent and Brunswick Grove, the evidence is that there would be enough capacity elsewhere within 200 metres of the site to accommodate any off-street car parking associated with the development proposal. While my site visit was only a snapshot in time, it also revealed that there was some spare on-street car parking capacity within 200 metres of the site.
20. For the above reasons, I therefore conclude that the proposal would not lead to an unacceptable level of on-street car parking stress on surrounding roads. Consequently, I do not find that the development would conflict with the car parking and traffic management requirements of Policy CS9 of the CS, Policy DM17 of the DMP DPD or paragraph 111 of the Framework.

Other Matters

21. I accept that the proposed changes to the host dwelling would have the effect of improving its internal configuration and the space and light afforded to its occupants. However, I have considered the proposal as a whole and there is no reasonable evidence before me to indicate that it is necessary to erect a new two storey dwelling to achieve the desired improvements to the existing dwelling.
22. The appellant has commented that the boundary fence fronting Brunswick Park Road is in a poor state of repair and that from the side garden both road and funeral service noise can be heard. There is nothing before me to indicate that it would not be possible to repair the existing fence or even opt for an improved form of boundary treatment that would address acoustic issues. I acknowledge that this may not fully address all privacy issues given the change in land levels between the site and the adjacent footpath and cemetery. However, the erection of a new dwelling on the site need not be the only way for the appellant to undertake outside amenity space changes within the wider residential plot and hence to secure a more private and quieter residential garden area associated with the host property.
23. The development would have the effect of boosting the supply of homes in the area. This is a positive social matter to weigh in the planning balance, as are the economic benefits associated with the construction and occupation of the dwelling. However, there is no dispute between the main parties that the local

planning authority can demonstrate a deliverable five-year supply of housing sites and, in this context, I find that the social and economic contributions from one dwellinghouse would be modest.

24. I note that members of the public have not objected to this proposal. I have taken this into account, but it does not obviate the need for me to determine the appeal against policies in the development plan for the area. Furthermore, I have determined this appeal on its individual planning merits, also taking into account my own site visit observations.

25. None of the other matters raised alter or outweigh my overall conclusion below.

Conclusion

26. While I have found that the proposal would not lead to an unacceptable level of on-street car parking stress in the locality, significant harm would nonetheless be caused to the character and appearance of the area and insufficient outside amenity space would be provided for each dwelling. These are matters of overruling concern. The proposal fails to accord with the development plan for the area when considered as a whole and hence the appeal should be dismissed.

D Hartley

INSPECTOR