
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/21/3277227
92 & 94 Hillview Gardens, London NW4 2JR

- 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 Linda Wald against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/1823/FUL, dated 31 March 2021, was refused by notice dated 27 May 2021.
 - The development proposed is described as alterations and extensions to existing properties to create 1 No additional residential flat, including erection of first floor rear extension and creation of second and third floors.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Barnet's Draft Local Plan Regulation 19 Publication was approved for consultation on 16 June 2021. The Regulation 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. Since determination of the application, Barnet's Draft Local Plan Regulation 22 Submission was approved by the Council on 19 October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public (EiP). As this Draft Local Plan has not yet reached EiP stage, I afford it only limited weight as part of the determination of this appeal.

Main Issues

3. The main issues are (i) the effect of the development on the character and appearance of the area; (ii) the effect of the proposal on the living conditions of the occupiers of adjoining properties on Bell Lane in respect of outlook and (iii) whether the proposal would lead to unacceptable levels of on-street car parking stress or cause harm to matters of highway and pedestrian safety and the free flow of traffic.

Reasons

Character and appearance

4. The appeal site is positioned at the southern end of Hillview Gardens, with the surrounding area including mainly two storey residential dwellings. The appeal site compromises an enlarged and altered former pair of semi-detached

dwelling and is used as five flats. Within the immediate vicinity of the appeal site there are also some blocks of flats including a newly erected four storey block of flats adjacent to the appeal site and flats in Bell Lane and Albert Road.

5. The appeal building was recently altered in terms of a first floor rear extension with recessed balconies and a second floor rear dormer extension including 3 Juliet balconies. This development was implemented following an allowed appeal¹ in January 2021. Despite the alterations to the appeal building, it does not have a dominating presence in the street-scene and has maintained some positive architectural detailing that is prevalent elsewhere in Hillview Gardens including the double bay windows. Despite the alterations to the building, the passer-by still appreciates a building which is proportionate in scale to most of the other properties in the area and one that continues to have an appearance of a pair of semi-detached dwellings thereby sharing some of the design characteristics of other properties in the locality.
6. The proposal would include the creation of an additional two floors on top of the building and hence would increase in height by just less than 3 metres. I acknowledge that the neighbouring building is marginally taller than the proposed development, but the top floor is set in from the edges of the building and is finished in a contrasting material and hence softens what is still a relatively dominating building when seen within its immediate street-scene context.
7. In contrast to the above, the upper part of the proposed development would not be set back or in from the edges of the roof and to that extent the resultant building would be seen as a dominant and out of proportion addition when experienced in the street-scene. While the neighbouring flatted development has to some extent changed the character and appearance of this part of the street from a scale, massing and height of development point of view, it is nevertheless important that the context of the appeal site also takes into account other development that surrounds it including much lower dwellinghouses to the rear and off Albert Road, Nos 135 and 137 Bell Lane to the side, and dwellinghouses on the opposite side of Hillview Gardens.
8. Owing to the scale, bulk and height of the proposed development, it would dwarf some of the aforementioned surrounding buildings and in that sense would not suitably reflect the pattern of development in the area when considered as a whole.
9. To a large extent, the proposed extensions to the building would reflect the fenestration details that exist now. In addition, there would be a squared off flat roof. I consider that an opportunity has been missed to soften the scale and massing of the proposed development particularly when appreciated from the front street. While the projecting bays at higher level would replicate those that exist at lower level, this part of the development, and the resultant new roof form, would have the effect of exacerbating what would become an overall dominating and bulky building when seen in the street-scene and from some neighbouring gardens.
10. When viewed from Hillview Gardens, the proposed building would look too elongated and the smaller windows would be out of proportion to the proposed height. To the passer-by, the appeal building would appear as bland and

¹ Appeal Ref APP/N5090/W/20/3257504

uninspiring, particularly when the regimented position and size of windows and doors is taken into account, as well as the significant mass of render to the front elevation. In this regard, the proposal would be in direct contrast to the neighbouring flatted development where it is evident that there has been a focus on attention to detail in terms of design, particularly in terms of the use of contrasting materials, the breaking up of prominent elevations, and the softening impact afforded by higher level roof accommodation in terms of set backs and the different use of materials.

11. For the above reasons, I conclude that the development would not represent good design and that significant harm would be caused to the character and appearance of the area. Consequently, the proposal would not accord with the design, character and appearance requirements of Policies CS1 and CS5 of Barnet's Local Plan Core Strategy DPD 2012 (CS), Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (DMP DPD), Policy D3 of the London Plan 2021 (LP), the Barnet Residential Design Guidance SPD 2016 (Residential Design Guidance SPD) and paragraph 126 of the National Planning Policy Framework 2021 (the Framework) which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Living Conditions

12. As part of my site visit, I was able to appreciate the relationship of the existing building with the adjacent residential buildings off Bell Lane. The proposal would increase the height of the existing building considerably and it would include a squared off flat roof. Taking into account the increase in the height and bulk of the building on the site, and its close proximity to the rear garden areas and windows of Nos 135 (A & B) and 137 Bell Lane, I find that the development would lead to an unacceptably enclosing and dominating impact when viewed from these areas. Consequently, the occupants of these properties would be subject to a material and unacceptable loss of outlook.
13. For the above reasons, I therefore find that the proposal would not accord with the amenity requirements of Policies CS1 and CS5 of the CS, Policy DM01 of the DMP DPD, Policy D3 of the LP, the Residential Design Guidance SPD, the Barnet Sustainable Design and Construction SPD 2016 and paragraph 130(f) of the Framework.

Car Parking

14. There is no dispute between the parties that the site has a PTAL score of 2 and hence has a poor level of accessibility. There would be no on-site car parking proposed. Taking into account the increase in the number of bedrooms and units on the site, the evidence is that there would be an uplift in demand of up to 1.25 car parking spaces compared to the existing situation. This is based on the requirements of policy T6.1 of the LP.
15. Policy DM17 of the DM DPD states that residential development may be acceptable with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity. The evidence is that the appeal site is not within a CPZ. I afford significant weight to policy DM17 of the DM DPD in so far that it states that the '*Council will expect development to provide parking in*

accordance with the London Plan standards, except in the case of residential development'.

16. In this case, the appellant has not submitted any information in the form of a survey to demonstrate that there is spare on-street car parking capacity within the locality to accommodate the additional car parking demand associated with this proposal. Furthermore, there is no indication that the appellant has applied for a car free housing proposal and even if that were the case there is no controlling mechanism before me to deal with such a matter.
17. The appellant comments in his appeal statement that the '*1-1.5 space demand generated could be comfortably accommodated on the highway in the vicinity of the site*'. However, this claim is not backed up by the submission of survey information or any other objective evidence.
18. I am therefore unable to find that the proposal would not give rise to on-street car parking stress in the area or that there would not be some unacceptable harm caused to matters of highway or pedestrian safety, or the free flow of traffic, arising from the likely increased demand to park vehicles on the highway in association with the appeal development. Consequently, I cannot conclude that the proposal would not conflict with the car parking, safety and traffic management requirements of Policy DM17 of the DMD DPD; Policy CS9 of the CS, Policy T6.1 of the LP and paragraph 111 of the Framework.

Other Matters

19. The proposal would make efficient use of a brownfield site and would boost the supply of residential homes in the area. Furthermore, there would be social and economic benefits associated with providing an additional residential unit on the site and from making existing rooms larger to meet space standards. However, these benefits would not be of sufficient magnitude to outweigh or alter my conclusions on the main issues.

Conclusion

20. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR