



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/21/3279246

56 Lyndale Avenue, Cricklewood, London NW2 2QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Connellan of Oakfirst Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/1626/FUL, dated 12 March 2021, was refused by notice dated 16 June 2021.
 - The development proposed is the construction of two semi-detached dwellinghouses (3 bedroom) and the replacement of a willow tree.
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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 the effect of the development on (i) the character and appearance of the area and (ii) landscaping and biodiversity.

Reasons

Character and appearance

4. The area is predominantly residential in character. The evidence demonstrates that there is some history relating to proposed development on the appeal site including the consideration of one dwelling at appeal in 2015 which was dismissed¹.
5. As part of my site visit, I was able to appreciate the appeal site and its surroundings. I do not disagree with the comments made by the Inspector in

¹ Appeal Ref APP/N5090/W/15/3132767

2015 that the appeal garden makes a positive and distinctive contribution to the essentially open and long rear gardens associated with the dwellings positioned between Lyndale Avenue and Hocroft Walk. This mainly undeveloped garden land provides a green and spacious break from the otherwise built form and, furthermore, the strong and linear rear building line to the properties on Lyndale Avenue is positively experienced from surrounding dwellings and gardens.

6. The landscaping both within the gardens and to the residential boundaries, including on the appeal site, softens the two storey dwellings when seen from Lyndale Avenue and Hendon Way. This is to such an extent that the occasional single storey and subservient residential outbuilding is not noticeable to the passer-by. The aforementioned existing pattern of development adds positively and distinctively to the character and appearance of the area.
7. In the context of the above, and owing to the proposed scale, massing and extent of built and engineered form on the appeal site, the development would appear as a visually disruptive and uncharacteristic intrusion into the area. The development would detract from the prevailing undeveloped and green tract of long garden space to the rear of dwellings on Lyndale Avenue. It would result in a harmful loss of boundary vegetation which currently serves to soften and partly screen the two-storey development on Lyndale Avenue. The landscaping lost would be substituted with a significant amount of frontage hard standing, associated parking of vehicles and a prominent refuse and recycling facilities. Overall, the proposal would be seen as a dominant, harsh and out of keeping form of back land development.
8. I acknowledge that there is a dwelling positioned in a similar position at the bottom of the cul-de-sac known as Hocroft Walk. I do not know the exact circumstances which led to this dwelling being erected although the historic map provided from the appellant and dated 1954 appears to show some form of development in this location. Furthermore, the development on this site is not the same as that proposed as part of this appeal. Indeed, it does not form part of the block of long gardens associated with the identified properties on Lyndale Avenue. It is part of a swathe of land where there is currently three storey built form between the dwellings on Lyndale Avenue and Hendon Way known as Hocroft Court. Therefore, the existence of the aforementioned dwelling does not alter my overall consideration of the immediate local site context of the appeal site. This relates to the long and mainly undeveloped long gardens associated with dwellings on Lyndale Avenue.
9. I note the existence of the imposing five storey flatted development on the other side of the cul-de-sac of Lyndale Avenue. However, the appeal site and the adjoining long gardens provide some welcome and distinctive open relief to this high density development. Therefore, its existence does not justify allowing the development on the appeal site which is currently appreciated as being part of a wider parcel of mainly undeveloped and landscaped garden land.
10. The appellant has referred me to the approval of residential outbuildings within some of the long residential gardens close to the appeal site. This is acknowledged and from what I could see on my site visit these were generally subservient in scale and height to the host dwellings and do not have associated car parking or include fencing to subdivide the long plots. In contrast, the proposed development would be squeezed into small, enclosed

plots and owing to a combination of scale, the removal of vegetation and the provision of frontage car parking, would not be seen as subservient and hence acceptable development within the wider garden land setting. The development would be conspicuous and out of place when seen by passers-by.

11. For the above reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area. It would not therefore accord with the character, appearance and design requirements of policy CS5 of Barnet's Local Plan Core Strategy 2012, policy DM01 of the Barnet's Local Plan Development Management Policies DPD 2012, the Barnet Residential Design Guidance SPD 2016, Policy H2 of the London Plan 2021 (LP), and Chapter 12 of the National Planning Policy Framework 2021.

Landscaping and biodiversity

12. The evidence indicates that a protected willow tree has been removed from the appeal site. Details of a replacement tree have not been approved by the Council and no replacement tree has been planted on the site. The appellant has proposed a replacement willow tree in the resultant rear garden area of No 56 Lyndale Avenue and within blue edged land. Even if I had found that it was acceptable to provide a replacement tree within this blue edged land, and was satisfied that there was enough land for it to reach maturity and without subsequent pressure from nearby residents to lop or fell, the appellant has not provided me with certainty that existing trees would be suitably safeguarded as a consequence of undertaking engineering works and erecting dwellings and, furthermore, that any new planting would be capable of being established and thereafter enduring.
13. In the context of the above, I cannot conclude that the proposed landscaping, or vegetation to be retained, would survive, establish and flourish. Even if that were the possible, it would not overcome or alter my conclusion in respect of the character and appearance main issue. In addition, I find that the appellant has not suitably provided a valuation of tree loss, as per policy G7 of the LP. Furthermore, I have not been provided with sufficient evidence to demonstrate that the proposal would deliver an overall biodiversity net gain thereby conflicting with the biodiversity requirements of policy G6 of the LP which states that '*development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process*'.

Other Matters

14. I acknowledge that the proposal would have the effect of boosting the supply of homes in the area. However, the associated economic and social impacts from two dwellings would be modest. In the context of erecting dwellings on a greenfield residential garden site, and where there would be significant harm caused to the character and appearance of the area, the delivery of additional homes in the area from a windfall site would not fully accord with the requirements of the LP when considered as a whole. The social and economic benefits arising from this proposal, while positive, would not be sufficient to outweigh my conclusions on the main issues.

Conclusion

15. For the above reasons, I conclude that the proposal would not accord with the development plan for the area when considered as a whole. There are no identified material planning considerations to indicate that a decision should be made other than in accordance with the requirements of the development plan. Consequently, the appeal should be dismissed.

D Hartley

INSPECTOR