



Appeal Decision

Site visit made on 7 February 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2022

Appeal Ref: APP/N5090/W/21/3278340

369-383 Alexandra Road, London N10 2ET

- 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 Cubhill Limited against the decision of London Borough of Barnet.
 - The application Ref 21/1837/FUL, dated 30 March 2021, was refused by notice dated 1 June 2021.
 - The development proposed is creation of a second-floor level with new pitched roof to facilitate the provision of 4no. additional self-contained units.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Cubhill Limited against the London Borough of Barnet. That application is the subject of a separate Decision.

Preliminary Matter

3. It has been brought to my attention that a draft Local Plan is emerging. However, this is at an early stage and currently attracts limited weight. I shall determine the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect upon the character and appearance of the area;
 - The effect upon the living conditions of neighbouring occupiers at No 367 Alexandra Road (No 367), having particular regard to privacy and access to sunlight; and
 - Whether or not acceptable living conditions would be provided for future occupiers of the proposed development, having particular regard to the availability of outdoor amenity space.

Reasons

Character and appearance

5. The appeal property (the building) is comprised of a two-storey block of flats that covers a sizeable rectangular footprint. Alexandra Road (the road) exhibits changing levels, with a noticeable north to south incline observable.

The road serves a variety of different housing types, including other blocks of flats and detached, semi-detached and terraced houses. A range of building forms, architectural styles and external-facing materials are in existence. Thus, notwithstanding the presence of an adjacent golf course, a mixed residential character and appearance can be observed locally.

6. Despite this mixed character and appearance, the properties closest to the site are universally of two or two and a half storeys in height. Indeed, three storey flatted blocks are distanced from the site and positioned upon land of noticeably lower level relative to that occupied by the building. The additional storey that is under consideration would provide a 1.72 metre uplift in the building's overall height. This is a not insignificant uplift in the context of a property that already exceeds the height of neighbouring buildings. Moreover, the intended works would add considerable bulk and mass to the building that, in-part owing to its ground coverage and expansive front façade, already appears as prominent in the streetscene.
7. The building, once extended, would be experienced as excessively tall, bulky and discordant with its immediate surroundings. This would be particularly so when viewed at close quarters or from southern vantage points upon the road. Indeed, I observed established planting to the site's southern side not to provide substantial screening. In any event, planting cannot be relied upon to offer solid or impenetrable buffers to views. This is because planting is ever evolving and reliant upon continual maintenance to retain a consistent form. Furthermore, whilst the road merges into a footpath not far from the site, there is no reason to consider that this route, which links to Forest Walk, is not in regular use.
8. Whilst the proposed roof form, fenestration and materials would be respectful of the building's current composition, the proposal would, for the above reasons, cause harm to the character and appearance of the area. The scheme conflicts with Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (September 2012) (the CS), Policy DM01 of Barnet's Local Plan Development Management Policies (September 2012) (the DMP) and the Residential Design Guidance Supplementary Planning Document (2016) (the RDGSPD) in so far as these policies and guidance set out that proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Living conditions – neighbouring occupiers at No 367

9. The building is positioned such that it sits alongside No 367, a semi-detached dwelling. This neighbouring property has a blank side elevation, whilst the delineation of its rear elevation is setback beyond the rear building line followed by the building. A private garden space is set out to the rear of No 367.
10. The RDGSPD contains recommended minimum separation distances, which include a 21 metre standard that relates to between properties with facing windows. A 10.5 metre standard relating to neighbouring gardens is also specified. However, it is important to recognise that the building and No 367 do not have a facing relationship. Thus, even though the northernmost proposed balcony would be located in proximity to rear garden space serving No 367, any view offered would be at an oblique angle rather than direct.

Furthermore, views of similar nature are already available via the building's rear-facing first floor openings.

11. Each proposed balcony would provide private external space of limited size and be bound by a privacy panel to each side. This side panelling could be secured in perpetuity via planning condition should the appeal be successful. On this basis, having inspected the physical relationship in place, I am satisfied that the privacy of No 367's occupiers would be safeguarded. This is even when factoring in the intended second floor height of the proposals.
12. In terms of sunlight effects, I have noted the position of the appeal property directly alongside the blank side elevation of No 367 and the fairly modest increase in ridge height that is proposed. When considering these factors, I am satisfied that the proposal would have an acceptable effect upon the level of sunlight able to access internal and external areas of No 367.
13. For the above reasons, having particular regard to privacy and access to sunlight, the proposal would not cause harm to the living conditions of neighbouring occupiers at No 367. The scheme satisfactorily accords with Policy D6 of the London Plan 2021, Policy DM01 of the DMP, the RDGSPD and the Sustainable Design and Construction Supplementary Planning Document (October 2016) (the SDCSPD) in so far as these policies and guidance set out that development proposals should be designed to allow for adequate sunlight and privacy for adjoining occupiers and users.

Living conditions – future occupiers

14. As set out in the SDCSPD, outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents. The relevant requirement for flats, as laid out in the SDCSPD, is five square metres per habitable room. Nevertheless, as set out in the RDGSPD, the rigid application of amenity space standards can restrict the creative design and layout of new residential developments. This is particularly so on smaller development sites, such as the appeal site.
15. Balconies and roof gardens (that should normally measure at least 1.5 metres in depth and width) are pinpointed in the RDGSPD as potential alternatives to private gardens or communal amenity spaces. In this instance, the proposed balconies have been designed in acknowledgment of existing building features and, in this sense, the provision of private outdoor amenity space has been maximised in accordance with site-specific circumstances. Indeed, whilst of limited depths and to provide considerably less private amenity space when compared to existing arrangements for current occupiers situated below, the proposed balcony areas would offer meaningfully sized outdoor spaces for the private enjoyment of future occupiers.
16. For the above reasons, having particular regard to the availability of outdoor amenity space, acceptable living conditions would be provided for future occupiers of the proposed development. The scheme satisfactorily accords with Policies DM01 and DM02 of the DMP, the RDGSPD and the SDCSPD in so far as these policies and guidance set out that development will be expected to demonstrate compliance with relevant standards/guidance and that the fundamental design considerations for amenity space should be its quality and useability.

Other Matters

17. I have noted objections/concerns raised by interested parties with respect to matters including accessibility, the structural suitability of the building, parking, noise and the privacy of existing on-site occupiers. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.
18. In terms of the scheme's benefits, four additional residential units would be created, and the National Planning Policy Framework (July 2021) reaffirms the Government's objectives of significantly boosting the supply of homes and making an effective use of land. However, four additional units would not make a clear or noticeable difference to the Borough-wide housing supply situation and is a benefit that attracts fairly limited weight.
19. The scheme would also create jobs during the construction phase and provide support to the local economy and local community facilities once occupied. However, these benefits attract limited weight due to the extent of development under consideration.
20. The scheme's benefits, considered cumulatively, would be relatively modest and would not outweigh the considerable harm and associated policy conflicts that I have identified in a character and appearance sense. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

21. Whilst I have found the proposal to be acceptable in respect to its effects upon the living conditions of neighbouring occupiers at No 367 (in terms of privacy and light) and future occupiers of the proposed flats (in terms of the availability of outdoor amenity space), I have identified considerable harm and associated policy conflicts in terms of the scheme's effect upon the character and appearance of the area. This harm is the overriding consideration in this case. Thus, for the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR