



Appeal Decision

Site visit made on 31 January 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: APP/N5090/W/21/3277941

1 Parson Street, Hendon, London, NW4 1QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Phillip Pell, on behalf of Sentware Ltd, against London Borough of Barnet.
 - The application Ref 21/0048/FUL, is dated 30 December 2020.
 - The development proposed is for the demolition of an existing building and construction of part three/part four storey mixed use building comprising 9 residential units and office floorspace at ground floor level. Associated amenity space, refuse storage, cycle parking and off-street parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was not determined by the Council within the statutorily prescribed 8-week timeframe. As such, following the submission of an appeal, it falls to me to determine whether planning permission should be given.

Main Issues

3. In consideration of the Council's Statement of Case, and the evidence before me, the main issues are:
 - The effect of the proposed development on the character and appearance of the area,
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular respect to outlook and privacy, and
 - The effect of the proposed development on the living conditions of future occupiers with respect to outlook.

Reasons

Character and appearance

4. Parson Street consists of close-knit development which is a combination of commercial and residential uses. Buildings are a range of styles and scales with development adjacent to the site being three and four stories. In contrast, Florence Street consists of two-storey terraced housing arranged in a regimented pattern and style of development. The appeal site and the side of 5-7 Parson Street (No's 5-7) contains development that is on the back of the

footway. These are therefore ahead of the front elevation of the adjacent terraced row. As a result, the south vista along Florence Street includes this relatively dominant form of development on the corner, with the current low-level building on the appeal site having a limited visual effect. The existing building, simple in design, presents development onto both streets that is largely subservient. It therefore has a neutral impact on the character and appearance of the area.

5. The Florence Street elevation of the proposal would follow the scale and design of No's 5-7. It would also include a hipped roof that would respect the lower form of the courtyard access that serves Ferrydale Lodge. From the Parson Street elevation, the mass of the proposal would reduce towards its rear and towards Florence Street. As a result, the overall scale of the proposal would complement the local context.
6. However, the side elevation of the proposed scheme includes a long flat roof section and large area of brickwork. This elevation would have limited articulation that would not disaggregate the mass or add interest. This would result in an awkward elevation that would poorly relate to the main elevations of the proposal. This elevation would be relatively prominent within the streetscene due to the separation distance to the side boundary and the recessed nature of the frontage of 5 Florence Street (No 5). This part of the building would substantially weaken the otherwise well-designed solution for the scheme. Therefore, the proposal would not complement the character and appearance of the area.
7. Accordingly, the proposal would conflict with policy DM01 of Barnet's Development Management Policies (2012)(DMP), policy CS5 of the Barnet Core Strategy (2012)(CS) and policy D3 of the London Plan, with respect to character. These policies, among other matters, seek development to respect local context and the appearance and pattern of surrounding buildings.

Existing living conditions

8. The side elevation of proposed flats G01, G02 and 201 include side windows that would overlook the side elevation and garden of No 5. The bedroom windows of unit G02 would provide direct views into the rear garden of No 5 over a short distance. The kitchen window of flat 201 would also provide a relatively clear view into the garden, albeit set slightly behind the corner of the rear elevation of No 5. Other side windows, such as those serving the smallest bedrooms of flats G01 and 201, would also provide partial views into the rear garden of No 5.
9. The Council's design guide¹ seeks development that maintains adequate privacy. It advises that this should be achieved by providing a minimum distance of 10.5 metres between facing windows of habitable rooms and neighbouring gardens. The space between the facing windows defined above and the boundary to No 5 is around 4 metres.
10. The existing two-storey building, to the rear of the site, includes an office and gym at first floor. Without a separate access, and based on the annotated plans, this space seems to be used in support of the repair garage. As such,

¹ Residential Design Guide, Supplementary Planning Document 2016

the extent of overlooking from the existing windows towards the garden of No 5 would be limited.

11. The proposed development would overlook the garden. Furthermore, the negligible planting on the shared boundary would afford only limited screening. Also, the smallest bedroom of flat G02 would provide views into parts of No.5's kitchen. As a result, the proposal would enable substantial overlooking towards the garden and rear window of No 5. Conditions, requiring either obscure glazing or a privacy screen, would be unreasonable as privacy measures would result in a poor living environment for future occupiers. Consequently, the proposed development would significantly harm the living conditions of existing occupiers of No 5 with respect to a loss of privacy.
12. Notwithstanding this finding, the effect of the proposed development on the outlook of No 5 would be limited due to the separation distance and relatively modest height of the development. Furthermore, the existing building, whilst lower than the proposed, is relatively tall and long and creates a strong sense of enclosure beyond the shared boundary. The proposal would not therefore demonstrably harm the outlook or be overbearing to occupiers of No 5.
13. The proposed development would be directly behind the rear elevation of No's 5-7. Flat 7 of this property, includes bedroom windows that overlook the site, set a short distance inside its plot boundary. This would appear to be located extremely close to a four-storey wall forming the stair core of the proposal. This proximity would significantly reduce the outlook from this room with a form of enclosure that would render the room a confined space. Due to the extent of change proposed this would result in demonstrable harm to the living conditions of the occupier of this flat.
14. Accordingly, the proposed development would result in substantial harm to the living conditions of occupiers of No 5 with respect to privacy and No's 5-7 with respect to outlook. As such, the proposal would fail to satisfy policy DM01 of the DMP, policy CS5 of the CS and D3 of the London Plan. In consideration of existing living conditions these seek, among other matters, for development to be of the highest quality and allow for adequate privacy and outlook for adjoining occupiers.

Proposed living conditions

15. Windows of units 102, 103, 202 and 203 would be located within a metre of a neighbouring building, the majority of which serve habitable rooms. The building, part of Ferrydale Lodge, is a tall accessway providing access into its rear car park. Due to its scale and proximity, the adjacent building would affect the outlook from residential windows of the proposal at first and second floor. First floor windows would be immediately adjacent to a blank elevation of brickwork providing an extremely poor outlook for occupiers. This would significantly harm future occupier's enjoyment of these flats and result in a poor-quality living environment.
16. The balcony proposed for flat 102 would not offset the adverse harm caused by this relationship. The outlook from second floor windows would be harmed to a lesser extent due to the receding roofline above the accessway. As such, the proposed development would result in substantial harm to the outlook of occupiers of flats 102 and 103 resulting in a scheme that is not well designed and would not function well.

17. The outlook from flat G01 would be towards its short garden and the flank wall on No 5. Although forming a slightly constrained outlook, this flat would benefit from a comparatively good provision of external space, for its urban location. Furthermore, occupiers of the flat would also gain open views from the garden to the front and rear of the site, providing a reasonable sense of spaciousness around this unit.
18. Nevertheless, the harm identified to the living conditions of future occupiers of several flats, in terms of outlook, would be substantially adverse. Consequently, the proposal would not accord with policies CS1 and CS5 of the CS, policies DM01 and DM02 of the DMP and policy D6 of the London Plan. These policies seek, in relation to proposed living conditions, for development to provide adequate privacy and outlook for potential occupiers and to provide comfortable and functional layouts.

Other Matters

19. The site is within a town centre location. In such locations, the National Planning Policy Framework (The Framework) supports the efficient redevelopment of previously developed land. The scheme would deliver dwellings and commercial floor space within a town centre location as supported by local policy. The Framework also seeks to significantly boost the supply of housing. However, these benefits of limited weight in my consideration of the merits of the scheme.
20. The proposal would be an inappropriate scale and would not raise highway safety concerns. It would also meet minimum space standards. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.

Conclusion

21. The proposal would harm the character and appearance of the area and living conditions of existing and future residential occupiers. It would conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed, and planning permission is refused.

B Plenty

INSPECTOR