



Appeal Decision

Site visit made on 8 March 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/N5090/W/21/3282712

24 Montpelier Rise, Golders Green, London NW11 9DS

- 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 Mr Shanfield, Lionrule Montpelier Ltd against the decision of London Borough of Barnet.
 - The application Ref 21/1492/FUL, dated 16 March 2021, was refused by notice dated 6 July 2021.
 - The development proposed is described as 'detached single storey building to house a gymnasium and cycle storage for the 5 flats being built on the site'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form indicates that work on the development applied for started in October 2020 and I saw on my visit a part-built outbuilding on the site. Nevertheless, I have determined the appeal on the basis of the development that is shown on the submitted plans.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) the effect of the proposal on the living conditions of the occupiers of 26 Montpelier Rise with particular regard to privacy, noise and disturbance.

Reasons

Character and Appearance

4. The appeal relates to a detached building which is occupied as 5 flats, and proposes an outbuilding towards the rear of the site. There are outbuildings to the rear of some other properties in the vicinity of the site, but these are for the most part of fairly modest scale and footprint relative to the gardens. As a result, there remains a generally spacious setting to the rear of buildings.
5. The proposed outbuilding would be set in from the boundaries of the site, and there would remain provision of amenity space to serve the existing flats at 24 Montpelier Rise. However, the building would still span a significant proportion of the width of the plot which widens towards the rear, and would be wider than the host building. Despite the flat roof design, it would be relatively tall, and while the depth of the building would not be great, the overall bulk and scale would be noticeably larger than outbuildings that I was able to

observe to the rear of other properties close to the site, including the neighbours at 26 and 28 Montpelier Rise. It would also occupy a large proportion of the host garden, and I consider having regard to its overall scale that the degree of separation to the rear of No 24 would appear modest. I find that the building would consequently dominate the remaining space.

6. I appreciate that the outbuilding would not be readily apparent from the street scene and that the visual impact of the development would be localised. Nevertheless, the development would be clearly visible from within the appeal site and when seen from the rear of the gardens and houses of neighbouring properties. The proposed sedum roof would soften the appearance of the building, and the use of timber cladding would add visual interest, but would not significantly alter the impression of the uncharacteristic overall scale of the development on the site. In my judgement, the outbuilding's size would be excessive. It would appear disproportionate in relation to the size of the garden and other development nearby, and would harmfully diminish the existing open setting to the rear of No 24.
7. I find for these reasons that the proposal would fail to respect the existing pattern of development around the site, and I conclude on this main issue that the development would cause unacceptable harm to the character and appearance of the area. It would accordingly conflict with Policies CS1 and CS5 of the Core Strategy 2012 (CS) and Policy DM01 of the Development Management Policies 2012 (DMP) which together broadly seek to ensure high quality design and that development preserves and enhances local character. It would also be contrary to advice within the Supplementary Planning Document: Residential Design Guidance 2016 that buildings in back gardens should not be too large or significantly reduce the size of a garden to become out of character with the area.

Living Conditions

8. The outbuilding would be accessible by all occupiers of the site, and would accommodate a gym with shower room and changing area, as well as a garden and bike stores. I note the appellant's comments that the flats are designed to accommodate 7 people, and that it is unlikely that all occupiers would make use of the gym. However, this could not be controlled, and there is no firm evidence before me to substantiate the appellant's assertion that the frequency of use would not be high. Given the large size of the outbuilding, it seems to me that it would be capable of use by a number of people at any one time, and I consider that the resulting level of comings and goings that could be generated and that could occur at all times of the day and night would be unusual for a residential garden.
9. The appellant suggests that the outbuilding would be accessed from a public path which runs to the side of the site. However, given the position of the entrance doors to the flats, it seems to me that residents would in practice be more likely to take the much shorter routes directly through the site. Given the position of boundary treatment around the private amenity space to the rear of the building, these routes would pass immediately alongside the boundary to No 26.
10. I am satisfied that boundary treatment would prevent a harmful loss of privacy. In the absence of substantive evidence robustly demonstrating the impact of potential noise or disturbance associated with such movements though, I

consider that the level of activity that could result from the development in such close proximity to the boundary of No 26 would be likely to result in noise and disturbance that would be noticeable and intrusive. Accordingly, the development would detract from the living conditions currently enjoyed by occupiers of this dwelling.

11. I therefore conclude on this main issue that the proposal would cause unacceptable harm to the living conditions of the occupiers of 26 Montpelier Rise through noise and disturbance. This would be contrary to Policies CS1 and CS5 of the CS and Policies DM01 and DMP02 of the DMP insofar as they together broadly seek high quality places and protection of amenity.

Other Matters

12. Outbuildings of up to 2.5m in height adjacent to a neighbouring boundary may be permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). However, the appellant acknowledges that such rights do not apply here, and I have considered the proposal on its merits having regard to the evidence before me and the provisions of the development plan.
13. The development would provide additional accommodation for residents of the site, but this would mainly be a private benefit, and I have not been provided with evidence that the existing dwellings would be otherwise unsuitable for continued occupation. I acknowledge support for increasing densities and making the best use of land within the National Planning Policy Framework (the Framework) and the London Plan 2021. However, this is qualified against other requirements, including requirements within the Framework for a high standard of amenity for existing users and for development that is sympathetic to local character.
14. Even taken together, I do not find that the benefits of the proposal would be sufficient to outweigh the harm that I have found would be caused to the character and appearance of the area and to the living conditions of the occupiers of 26 Montpelier Rise.

Conclusion

15. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR