



Appeal Decision

Site visit made on 12 April 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14/04/2022

Appeal Ref: APP/N5090/W/21/3279043

Land to the rear of 1 Woodland Avenue, London NW7 2AH

- 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 McWeeney of MCM Construction Services Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/1378/FUL, dated 12 March 2021, was refused by notice dated 18 May 2021.
 - The development proposed is the construction of a detached double garage and store, and a brick wall and entrance gates to Bunns Lane frontage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site comprises an area of mainly open and undeveloped land to the rear of 1 Woodcroft Avenue. The land is positioned beyond the existing outside amenity space associated with 1 Woodcroft Avenue and is seen from Bunns Road as forming part of the long, green and mainly undeveloped gardens associated with other dwellings on Woodcroft Avenue. Indeed, there is a pleasing regularity to the pattern of development both within Woodcroft Avenue and Lyndhurst Avenue in terms the linear positioning of dwellings and with the mainly long and spacious gardens separating built form.
4. From Bunns Road, Lyndhurst Avenue is seen in the context of more commercial uses including garages/workshops and a storage area to the rear of Nos 2 & 4 Woodcroft Avenue. However, the appeal site is seen in the context of a greener, less developed and spacious environment including adjacent parkland, rear domestic gardens, a landscaped roundabout and planting associated with three storey development on the opposite side of Bunns Road. The appeal site is therefore appreciated as being part of a more open, spacious and verdant setting. It is seen by passers-by as being more closely aligned with the adjacent parkland environment. These characteristics add positively and distinctively to the character and appearance of the area.
5. In the context of the above, the proposed pitched roof garage with store would have the effect of unacceptably breaking up the general uniformity of

spaciousness that exists in the locality. Even accounting for the change in land levels, the building would appear prominent and dominant when viewed from Bunns Road and the adjacent Woodcroft Park, materially detracting from the aforementioned distinctive and positive characteristics of the immediate area.

6. The appellant has commented that there were once three timber storage buildings and a car port on the site. I do not have any details relating to such previous development and, in any event, I have determined this appeal on the basis of the character and appearance of the site and area now.
7. The proposal includes the erection of new wooden fencing and a brick wall along Bunns Road. The wooden fencing and gates would be acceptable in the context that the existing boundary treatment is similar. It is, however, proposed to also erect a relatively significant length of brick wall. While brick walls are not uncommon in Bunns Road, the use of this material in this location would have the effect of drawing even more attention to an imposing and out of place building. I find that it would be appropriate to make use of a softer form of boundary treatment in this location, whether that be in respect of wood and/or planting. The appellant has indicated that he would accept a planning condition relating to this matter and I therefore find that this consideration need not be a reason to withhold planning permission. However, this would not alter or outweigh my concern about the overall effect of the location, position and scale of the appeal building on the pattern of development in the immediate locality.
8. For the above reasons, I therefore conclude that in respect of the proposed garage and store it would cause significant harm to the character and appearance of the area. Therefore, when the development is considered as a whole it would not accord with the design, character and appearance requirements of policy D4 of the London Plan 2021; policy CS5 of the Barnet Local Plan Core Strategy DDP 2012; policy DM01 of the Barnet Development Management Policies DPD 2012; the Barnet Sustainable Design and Construction DPD 2016, and chapter 12 of the National Planning Policy Framework 2021.

Other Matters

9. I acknowledge that the land to the rear of 2 and 4 Woodcroft Avenue, which fronts Bunns Road, includes garage type buildings and what appears to be a storage use. However, this site is seen by passers-by as being within a different visual context. I appreciate that parts of Bunns Road include commercial as well as residential uses. The proposal would, in part, include storage for an off-site commercial use. My concern in respect of the proposed development does not relate to the fact that it is proposed to use the building for a mixed residential and commercial use, but rather it relates to the proposed position and scale of the development and its consequent adverse impact on the character and appearance of the immediate area.
10. The appellant has commented that the site has been used for illegal tipping and that there have been problems with vermin on the site. I do not doubt that there have been such problems, although there may be other options available for the appellant to explore to deal with these issues such as the use of CCTV, improved boundary security and specific vermin control measures. These are not considerations that would justify allowing harmful development.

11. I acknowledge that use of the appeal building, in part, for storage purposes in association with use of an existing business would be beneficial from an economic point of view. However, there is no evidence to suggest that there are no existing buildings or premises elsewhere in the area that could fulfil these requirements. Furthermore, and, in any event, this is not a matter that is weighty enough to outweigh the identified harm that would be caused to the character and appearance of the area.
12. Subject to the imposition of a planning condition, I accept that new boundary treatment would have the effect of improving the appearance and security of the site. However, there is no evidence to indicate that this could only be achieved in combination with the erection of a new building on the site.
13. None of the other matters raised alter or outweigh my conclusion on the main issues.

Conclusion

14. 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