



Appeal Decision

Site visit made on 12 April 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2022

Appeal Ref: APP/N5090/W/21/3289789

Rear of 2 to 4 Beaconsfield Road, Brunswick Park, London N11 3AB

- 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 Tony Zorbis, AAZ Properties Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/2805/FUL, dated 20 May 2021, was refused by notice dated 26 July 2021.
 - The development proposed is described as 'demolition of existing store in the rear of No2 Beaconsfield Road and creation of a two storey two bedroom house and the creation of a first floor one person studio in the rear/side of No4 Beaconsfield Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice gives a different development description to that originally stated within the planning application. However, neither of the main parties has provided written confirmation that a revised description of development was agreed. I have therefore used the one given on the original planning application form in the banner heading above.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether or not living conditions for future occupiers of the proposed two-bedroom dwelling would be acceptable with particular regard to outlook and the provision of outdoor amenity space; and
 - iii) the effect of the proposal on the living conditions of occupiers at 2 Beaconsfield Road with particular regard to outlook and privacy.

Reasons

Character and Appearance

4. Beaconsfield Road includes a mix of detached, semi-detached and terraced properties, some of which have been converted to flats, as well as purpose-built flatted blocks. Despite diversity in the form and appearance of the buildings on Beaconsfield Road, they typically front the street with gardens or areas of parking providing an open setting to their rear. There are some outbuildings, but those that I was able to observe appeared generally to be of modest

single-storey scale and in use for purposes ancillary or incidental to the host buildings.

5. The appeal proposes a two-storey building that would accommodate a two-bedroom house to the rear of 2 Beaconsfield Road, and a studio flat at first-floor level above an existing ground-floor extension to the rear of 4 Beaconsfield Road. Taken together with existing flats at Nos 2 and 4, it would result in a total of 10 dwellings on the appeal site. However, there is no substantive evidence before me demonstrating that the proposal would result in an unusual or conspicuous level of activity, and I am satisfied having regard to the mix of property types on the street that the overall number of dwellings proposed would not in itself be out of keeping or over-intense.
6. Be that as it may, the presence of two-storey development positioned to the rear of the main rear elevations of Nos 2 and 4 would be an unusual feature in the area. Based on my observations at my visit, the development would be readily appreciable from Beaconsfield Road in views between Nos 2 and 4, and I consider that the building would stand out incongruously as a result.
7. In addition, it would occupy a fairly significant proportion of the space to the rear of No 2. I acknowledge that it would replace a large shed, and would not extend as deep as this existing building, but it would be of much greater height and overall bulk and mass, with a corresponding increase in its visual impact. The amenity spaces to the front and rear of the section of the development behind No 2 would be relatively limited in area, and would do little to balance the larger overall scale of the building. Furthermore, separation between the development and the rear of No 2 would be modest, and the front of the building would broadly align with the rear of the two-storey part of No 4.
8. In my assessment, the overall coverage of this part of the site by built form of the scale proposed combined with the very close proximity of the two-storey building to Nos 2 and 4 would cause the development to appear cramped and squeezed onto the site, and would be significantly at odds with the more open setting that is generally afforded to development nearby. As a consequence, I find that the proposal would result in a discordant feature that would relate poorly to the general pattern of surrounding development.
9. I appreciate that the pitched roof design of the development would be in keeping with the roofs to other buildings on Beaconsfield Road which are predominantly pitched, while the existing flat roof to the single-storey projection to No 4 is somewhat unusual. However, the existing development is relatively unobtrusive in the street scene given its set back position and single-storey height. The greater height and scale of the proposed development would significantly increase its prominence and visual impact, and I do not consider the proposal taken as a whole would improve the appearance of the site or building.
10. I acknowledge that Policy H2 of the London Plan 2021 (LP) advises that the character of an area evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. The National Planning Policy Framework (the Framework) further advises that appropriate innovation or change (such as increased densities) should not be prevented or discouraged. However, this is subject to development being sympathetic to local character. I find for the reasons above that the proposal would not achieve this aim, and would instead result in an unsympathetic and

incongruous addition that would fail to respect its surroundings, detracting from the character and appearance of the area

11. Accordingly, I conclude on this main issue that the proposal would cause unacceptable harm to the character and appearance of the area, contrary to Policy CS5 of the Core Strategy 2012 (CS) and Policy DM01 of the Development Management Policies 2016 (DMP) which together broadly seek high standards of design and development that preserves or enhances local character and that respects its surroundings. It would also be contrary to requirements within the Framework seeking development of high quality design which adds to the overall quality of an area, and to advice within the Residential Design Guidance Supplementary Planning Document (SPD) 2016 that proposals should be informed by the local pattern of development.

Living Conditions – Future Occupiers

12. The kitchen/dining room and living room to the ground-floor level of the proposed two-bedroom dwelling would be served by glazing to the front, rear and side of the building. However, the windows to the side of the building would be high level, and would not offer meaningful outlook for the space. The window and glazed doors to the rear of the building would face onto a garden amenity space, but this would be of very limited depth, with the appellant indicating separation of only around 2.4m to the boundary. In my assessment, the height of the boundary wall to the rear of the garden in such close proximity would significantly restrict open views from the glazing. While there may be some upwards views over the top of the wall, I nevertheless consider that it would be a highly dominant feature, and I find that there would be a pronounced impression of enclosure so that outlook to the rear of the ground-floor would also be limited.
13. Further glazing to the front of the building facing towards No 2 would offer reasonable outlook to the living room within the front part of the ground floor. However, the internal layout and depth of the space and means that I consider they would realistically offer little practical alternative outlook to the kitchen and dining room at the rear of the building. I therefore consider that overall standards of outlook for the ground-floor habitable rooms would fall short of what could reasonably be expected by occupiers of the dwelling.
14. In addition, the 26.4sqm outdoor amenity space which the appellant suggests would be provided for the dwelling would be a fairly sizeable shortfall against the 40sqm sought by the Sustainable Design and Construction SPD 2016 to serve a house of up to four habitable rooms. Given that the requirement for 40sqm is expressed as applying to houses with 'up to' four habitable rooms, I am not persuaded that there is justification to apply a lower standard, even accepting the appellant's position that the two-bedroom house would have 3 habitable rooms.
15. Moreover, the appellant's assessment of outdoor space includes space to the front of the dwelling. This space would be directly overlooked from the external step access to the upper-floor flat at the rear of 2 Beaconsfield Road, and I do not therefore consider that it would offer a reasonable level of privacy which the SPD indicates is necessary for space to be considered usable. I also consider that the enclosed nature of the rear amenity space which would be of shallow depth and hemmed in between the building and boundary walls would severely diminish the attractiveness and value of the space to occupiers.

16. I acknowledge that the quantum of amenity space that would be provided would meet the lower requirement for 6sqm external amenity space for a two-bedroom, three-person dwelling sought by the more recently published LP. Be that as it may, I find given the above factors that the external amenity space would not be of satisfactory quality to address the needs of occupiers.
17. In combination, I find that the shortfall in outdoor amenity space against the local standard specified by the SPD, the unsatisfactory quality of the space that would be provided and the lack of suitable outlook for the ground-floor level rooms would together be detrimental to the quality of life of occupiers of the two-bedroom dwelling. I therefore conclude that the proposal would fail to provide acceptable living conditions for future occupiers of the two-bedroom dwelling, contrary to Policies DM01 and DM02 of the DMP. Amongst other things, these policies broadly seek high quality design, adequate outlook for occupiers of development, and compliance with standards including for outdoor amenity space.

Living Conditions – Neighbouring Occupiers

18. Separation between the window to the master bedroom of the proposed two-bedroom house and a first floor window to the rear of the two-storey rear projection to No 2 would be limited. However, the windows would be at right angles to one another rather than facing, and I do not therefore find that there would be conflict with guidance in the Residential Design Guidance SPD which seeks a minimum distance of about 21m between properties with facing windows to habitable rooms. I am also satisfied given the fairly tight angle and the relationship between the windows that while there may be some oblique views, the proposal would not cause significant overlooking or an unacceptable loss of privacy for the occupiers of No 2.
19. The development would be positioned to the rear of windows to the main rear elevation of No 2. However, these windows serve either bathrooms and hallways which are not habitable rooms, or bedrooms which also have further windows offering alternative open outlook to the front of the building. As a consequence, I do not consider that the additional enclosure of views that would result from the development would cause a harmful loss of outlook for occupiers of the flats within the front part of No 2.
20. I also accept that the development would not obstruct direct views towards the rear boundary of the site from windows to the rear of the two-storey rear projection to No 2 which serve bedrooms at ground and first-floor level. Nevertheless, it would be very close, and would extend for some depth broadly perpendicular to these neighbouring windows at two-storey level with a fairly high roof above adding significant bulk and mass to the upper part of the building. In my judgement, it would form a prominent element of views from these bedroom windows, and the scale of the development in such close proximity would be a dominant and intrusive feature that would cause a notable degree of enclosure with detriment to outlook for the neighbouring occupiers.
21. The appellant suggests that the impact on outlook would be no different to the impact on outlook for occupiers of 4 Beaconsfield Road from the studio flat part of the development. However, the studio flat would be above an existing ground-floor structure to the rear of No 4. It would not therefore extend at comparable height and depth relative to ground-floor windows to No 4 as would

be the case for No 2, and I do not consider that the relationship is directly comparable.

22. Notwithstanding my finding that there would not be a harmful loss of privacy, I conclude on this main issue that the proposal would cause unacceptable harm to the living conditions of the occupiers of flats within the rear part of 2 Beaconsfield Road through loss of outlook. Consequently, the development would conflict with Policies CS5 of the CS and DM01 of the DMD which require, amongst other things, high quality places and adequate outlook for adjoining occupiers.

Other Matters

23. I recognise clear objectives within the Framework seeking the efficient use of land and to boost significantly the supply of housing, and advice that small and medium sized sites such as this can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The Framework further indicates that substantial weight should be given to the value of using suitable brownfield land within settlements for homes; and that development of windfall sites should be supported. In addition, the appellant has drawn my attention to policies of the LP which similarly support delivery of homes on small sites and encourage making the best use of land through development that optimises the capacity of a site.
24. Insofar as it would make efficient and effective use of a previously developed site to deliver 2 new dwellings within an existing built-up area with good access to public transport, the proposal would accord with these objectives. However, neither the LP nor the Framework advocate optimisation of development potential regardless of other objectives and requirements of the development plan. Moreover, the contribution that the proposal would make to the supply of housing is limited by its modest scale, and I have found that the two-bedroom dwelling would not offer a good quality of life for future occupiers. These factors temper the benefit of the additional housing, and the weight that I give to it.
25. Even when they are taken together, I find that the benefits of the proposal are insufficient to outweigh the cumulative harm that the proposal would cause to the character and appearance of the area and to the living conditions of occupiers at 2 Beaconsfield Road, and the failure to provide suitable living conditions for future occupiers of the two-bedroom dwelling. I find that there would be fundamental conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision should be made other than in accordance with the development plan.

Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR