



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/21/3286838

49 and 51 Beresford Avenue, Whetstone, London N20 0AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Millen, Millen Homes Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/5046/OUT, dated 16 September 2021, was refused by notice dated 11 November 2021.
 - The development proposed was originally described as 'outline application with landscaping reserved for the demolition of no.51 Beresford Avenue and the erection of 6 semi detached dwellings and 1 detached dwelling on land at 49 and 51 Beresford Avenue, Barnet N20 4AD'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by the Council of the London Borough of Barnet against Mr Millen, Millen Homes Ltd. This application is the subject of a separate Decision.

Preliminary Matters

3. I have used the address stated on the Council's decision notice in the banner heading above as it more accurately represents the site than that given on the planning application form. The decision notice also gives a different description of development to that originally stated within the planning application, but while this description has been entered by the appellant on the appeal form, 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.
4. The appeal seeks outline planning permission. The appellant's responses to the tick boxes at section 4 of the planning application form indicated that approval was sought for matters of access, landscaping, layout and scale, leaving appearance as a reserved matter. However, the description entered below the tick boxes refers to an outline application with landscaping reserved. The Design and Access Statement accompanying the application and the appellant's appeal evidence similarly refer to the application as being for outline planning permission with only landscaping reserved, and it is also clear from the Council's evidence that it considered the proposal as seeking approval for details of access, appearance, layout and scale with landscaping reserved for

future consideration. I have determined the appeal on the same basis, and have treated all aspects pertaining to landscaping as indicative.

5. My attention has been drawn to a number of previous proposals for development on the site and appeal decisions. I have taken these into account, although I have determined the appeal having regard to the individual merits of the development that is now before me.

Main Issues

6. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) whether or not living conditions for future occupiers of the proposed replacement dwelling would be acceptable with particular regard to noise and disturbance.

Reasons

Character and Appearance

7. The appeal site includes one of 3 pairs of similar semi-detached dwellings which sit around the head of Beresford Avenue, and which terminate views along this cul-de-sac from its junction with Russell Lane. Other buildings on Beresford Avenue vary in form and style with a mix of semi-detached bungalows and two-storey terraced and semi-detached dwellings. However, these are positioned relatively close to one another on fairly consistent building lines. As a result, there is an overall rhythm to the street scene, and I agree with my colleague who considered a previous proposal for the site in an appeal decision in 2018¹ that the defining characteristics of the streetscape include the cohesive rhythm of the buildings and the enclosure of the cul-de-sac.
8. As part of the appeal, 6 semi-detached dwellings are proposed within the current garden of 51 Beresford Avenue. The Council's evidence indicates that the layout of these dwellings is consistent with development that has previously been approved on the site² ('the Outline Permission'), and that it considers the scale and appearance of the dwellings would also be acceptable subject to a condition to require more detail of the materials proposed. Based on my observations at my visit and the evidence before me, I see no reason to take a different view, and I am satisfied that this element of the proposal would not unacceptably harm the character or appearance of the area.
9. However, the appeal proposes that the dwellings on the rear part of the site would be served by a new access that would be created following the demolition of 51 Beresford Avenue, and which would run between 49 Beresford Avenue and a detached dwelling constructed to replace No 51. This contrasts with the Outline Permission where Nos 49 and 51 were to be retained, with the dwellings at the rear served by an existing, albeit enlarged, access that runs between No 49 and the neighbouring dwelling at 47 Beresford Avenue.
10. Although they may be a feature of other streets locally, including Weirdale Road, there are no other detached dwellings on Beresford Avenue currently. Notwithstanding their similar architectural style to one another, the form of the proposed detached dwelling and retained dwelling at No 49 would therefore stand out as somewhat unusual. In addition, the existing pairs of

¹ Appeal ref APP/N5090/W/17/3191245

² Appeal ref APP/N5090/W/20/3248645

semi-detached dwellings around the head of Beresford Avenue each have central gables and curved bays of matching designs, with the outer sections of the dwellings set back. Despite some extensions and alterations, the original proportions of the dwellings remain clearly readable. Together with the positioning of the pairs fairly evenly around the head of the street, this provides for an attractive sense of unity and symmetry to the group. The replacement of the semi-detached pair on the appeal site with 2 detached dwellings would disrupt this distinctive composition, and in my judgement would harmfully erode the character and appearance of the street scene.

11. Moreover, the truncated proportions of the retained building at No 49 would be at odds with the other semi-detached pairs on this part of the street. The retained architectural elements that it would share with these neighbours including the front bay and fenestration pattern, would emphasise its contrasting form and scale, and it would appear awkward and unbalanced as a result. In this regard, I note a previous appeal decision³ where it was found that the demolition of No 51 would make the surviving house look ungainly and out of place in the street scene. The appellant suggests that the concern related to the void created by the loss of No 51. To my mind however, the language used which refers to the surviving house looking ungainly, and the subsequent conclusion which states that the development would unacceptably undermine the overall architectural integrity of its host, signals clear concerns about the appearance and integrity of No 49 itself. For the reasons above, I share these concerns, and I similarly find that the retained building would be a discordant feature in the street.
12. The appellant's evidence also indicates that the gap between Nos 49 and 51 would be wider than any existing gaps between dwellings on Beresford Avenue. I acknowledge that it would not be as wide as the gap that would result between Nos 47 and 49 under the Outline Permission. However, the existing access here is screened from views along the majority of the street by No 47. I consider that there would be likely to be a similar degree of screening to the enlarged gap under the Outline Permission, reducing its visual impact. In contrast, the access now proposed would be in a more central position towards the head of the street, and based on my observations at my visit it would be apparent in views along a greater extent of Beresford Avenue. Given the replacement detached dwelling, the existing sense of enclosure around the end of the street would not be wholly lost. Nevertheless, it would be reduced, and I find that the presence of a gap of the width proposed in this more prominent position would be incongruous, and would be detrimental to the distinctive overall rhythm of the street scene.
13. For all of these reasons taken together, I conclude that the proposal would cause unacceptable harm to the character and appearance of the area, contrary to Policies D3 and D4 of the London Plan 2021 (LP), Policy CS5 of Barnet's Local Plan Core Strategy 2012 and Policy DM01 of Barnet's Local Plan Development Management Policies 2012 (DMP). Amongst other things, these policies broadly seek development that responds positively to local distinctiveness and character, and that respects local context and the pattern of surrounding buildings, spaces and streets. For the same reasons, it would conflict with the National Planning Policy Framework (the Framework) insofar

³ Appeal ref APP/N5090/W/16/3157594

as it includes requirements for development that is sympathetic to local character and that adds to the overall quality of an area.

Living Conditions

14. Ground-floor level windows to the front and side of the replacement detached dwelling would face towards the proposed access from Beresford Avenue. The closest front window would serve a hallway, but separation to the other front window which would serve a living room, and the side window which would serve a family room/kitchen would still be very limited.
15. The appellant suggests that noise surveys submitted previously confirm that there would be no adverse impacts to amenity from the use of the access, and I note that the appeal decision for the Outline Permission concluded that there would not be unacceptable noise or disturbance to neighbouring occupiers. However, while Nos 47 and 49 may be closer to the access under the Outline Permission than the detached dwelling now proposed, it is not clear from the information before me that they would include windows orientated similarly to face the access and in such close proximity as would be the case in the current appeal. Moreover, the appeal decision granting the Outline Permission refers to a Noise Assessment considering noise from the access in relation to windows to Nos 47 and 49. No noise surveys are before me as part of the current appeal, and I have not been provided with any detailed assessment demonstrating the effect of noise from the access in relation to the replacement detached dwelling. Notwithstanding the Outline Permission, I can therefore have little certainty that occupiers of the detached dwelling that is now proposed would not experience unacceptable levels of noise or disturbance.
16. No 49 would directly adjoin the access under the current proposal, but it would not include windows to the side facing the access. Its circumstances would not therefore be directly comparable to those of the detached dwelling. Accordingly, I do not find the Council's lack of objection in relation to the living conditions of occupiers of No 49 to be compelling evidence that there would not be an effect on the occupiers of the detached dwelling.
17. In my judgement, the level of movements that could result from the 6 fairly large dwellings on the rear part of the site in such close proximity to windows serving main living accommodation would be likely to result in noise and disturbance that would be noticeable to occupiers of the replacement dwelling. Given that it would not be possible to control the number of vehicle or pedestrian movements along the access, nor the time of day that these would occur, I consider there could be detriment to their quality of life.
18. The appellant suggests that a planning condition could require triple glazing to windows facing the access. However, I have no substantive evidence to show that this would be effective in mitigating potential noise and disturbance, particularly at times when windows may be open. Given this uncertainty, I am not satisfied that it would be appropriate to defer consideration of whether any harm could be adequately mitigated to a planning condition.
19. Whether or not the Council requested a further noise survey when it considered the proposal, I am unable to conclude that living conditions of the occupiers of the replacement detached dwelling would be acceptable having regard to noise and disturbance. I therefore find that there would be conflict with Policy D3 of the LP and Policy DM04 of the DMP which include requirements that

development prevents or mitigates impacts of noise, and achieves environments that are comfortable and inviting for people to use. The proposal would also be contrary to the Sustainable Design and Construction Supplementary Planning Document 2016 which requires appropriate consideration for the impacts of noise as part of development.

Other Matters

20. I have had regard to representations made by interested parties which raise additional concerns including regarding provision for parking; highway safety; harm to biodiversity; impacts on trees, railway infrastructure and neighbouring living conditions; and covenants affecting the site. I note the strength of feeling, but none of the matters raised alter my conclusions on the main issues.
21. The Framework includes an objective to boost significantly the supply of housing. It advises that development of windfall sites should be supported, and that small and medium sized sites such as the appeal site can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The proposal would make efficient use of a small-site to deliver 6 additional dwellings. However, the small scale of the development means that the contribution it would make to the mix and overall supply of housing would be modest. Moreover, the contributions would be no greater than under the Outline Permission. While the appellant refers to attempts to prevent use of the access approved under the Outline Permission, there is no compelling evidence before me demonstrating that these attempts have been successful, nor that the development could not now be delivered in accordance with the Outline Permission to achieve comparable benefits.
22. In this context, I find that the clear harm that I have identified would be caused to the character and appearance of the area, and the failure to demonstrate that living conditions of occupiers of the detached dwelling would be acceptable would significantly and demonstrably outweigh the benefits of the proposal. 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

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

J Bowyer

INSPECTOR