



Appeal Decision

Site visit made on 12 April 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2022

Appeal Ref: APP/N5090/W/21/3286005

93 Park Road, New Barnet, Barnet EN4 9QX

- 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 Chris Behiri against the decision of London Borough of Barnet.
 - The application Ref 21/4308/OUT, dated 2 August 2021, was refused by notice dated 27 September 2021.
 - The development proposed is described as “the erection of two detached dwellings following demolition of the existing dwelling at 93 Park Road, Barnet EN4 9QX”
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with appearance and landscaping as reserved matters to be determined at a later stage. Detailed elevations and floor plans were submitted with the application. The appellants documentation confirms that they are indicative and for information only. I have determined the appeal on the basis that appearance is a reserved matter.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the surrounding area; and
 - The living conditions of the occupiers of neighbouring properties with regard to outlook.

Reasons

Character and Appearance

4. The appeal site is located at the junction of Park Road with Herons Rise. Park Road and the surrounding streets are characterised by two storey houses and bungalows where dwellings are generally set back from the highway by short front gardens and driveways. Wide grass verges, mature landscaping and street trees gives the area a pleasant suburban feel. 93 Park Road is a detached brick built two-storey house with an attached single storey garage joined to the main house by a catslide roof. It is built in a style typical of its surroundings where properties share broad characteristics in terms of their overall proportions and scale, despite being a mix of bungalows and houses.

5. The existing house on the site would be demolished and replaced with a pair of detached houses. They would be in an approximately equivalent position on the plot as the existing house but would occupy a greater footprint. Both new houses would be identical in size and scale with basement garages accessed from Park Road. The steep pitches of their crown roofs would emphasise their overall height. This would be in stark contrast to the scale of the bungalows opposite on Park Road.
6. The replacement houses would be taller than the existing house and the right-hand house of the pair (93A) would be significantly taller than the single storey garage which currently occupies this position on the plot. The vertical nature of the houses would be at odds with the distinctly horizontal emphasis of the houses surrounding it and of that which they would replace. The proposed houses would therefore fail to reflect the prevailing character and appearance of the area and would appear incongruous within its surroundings.
7. I acknowledge that there are examples of properties in reasonable proximity to the appeal site that have crown roofs, however these are exceptions to the rule. I also accept that Laguna House has a semi-basement garage, again this is an exception rather than the rule and I observed no other properties with basement garages close by. Basement accommodation and accommodation in roof spaces may not be unusual in dense, urban environments as suggested by the appellant. However, this is a suburban setting, and I find that the proposed scale of the development to be harmful to the character and appearance of the surrounding area.
8. The appellant has also referred to the houses currently under construction to the rear of the appeal site. From what I observed on site of these houses I could not draw any parallels with the proposed scale and massing of the proposal before me. My attention has also been drawn to a group of four-storey residential blocks further along Park Road near the junction with Edgeworth Road. These are all blocks of purpose-built flats, which have a very different character and appearance to the proposed houses before me and are read in a different context to the appeal site. Neither of these matters would lead me to conclude that the proposal would be acceptable in this location.
9. For the reasons above, I conclude that the proposal would cause harm to the character and appearance of the area. The proposal conflicts with Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) (2012) (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) (2012) (DMP), the Council's Residential Design Guidance Supplementary Planning Document (2016) (SPD) and Policy D3 of the London Plan (2021) (LP) which, amongst other things, seek to ensure that new development is of high quality design. It would also be contrary to the design aims of the National Planning Policy Framework.

Living Conditions

10. The Council is particularly concerned that the proposed houses would be closer to the boundary of Laguna House than the existing house on the site and as a result would appear overbearing or visually intrusive when viewed from there. I note that the appellant refers to a daylight, sunlight and overshadowing assessment which has been carried out. However, the Council's concerns relate to outlook which is a different matter.

11. The main outlook of Laguna House faces away from the appeal site. No habitable rooms face the appeal site. Furthermore, the tall Leylandii hedge on the boundary between the two provides significant screening. I accept that that this cannot be guaranteed to remain in its current form, but it does nevertheless provide a significant impediment to overlooking and intervisibility between the two properties.
12. The SPD requires that a 10.5 metre separation distance should be maintained to neighbouring gardens to prevent overlooking, however, it acknowledges that there may be occasions when circumstances would justify a reduction in this distance. At 9 metres, the proposed houses would be closer than this recommended distance. Whilst the upper floors of the development would be visible from the rear garden of Laguna House, I am content that when viewed from there the proposed houses would not be unacceptably dominant or overbearing. Furthermore, due to the orientation of Laguna House in relation to the appeal site there would not be any unacceptable overlooking. As such, there would be no unduly harmful impacts on the occupiers of Laguna House.
13. The occupiers of the bungalows opposite on Park Road would, however, face directly onto the proposed houses, albeit at a greater distance. Having viewed the appeal site from this side of the road, I consider that the proposed houses would be overbearing due to their height and mass, which coupled with the rising topography of the ground at this point would exacerbate that impact. As such, the dwellings would dominate the outlook from the front windows of these bungalows.
14. I do not consider that the outlook of the occupants of Laguna House would be adversely affected. Nevertheless, the proposed development would unacceptably harm the living conditions of the occupiers of the bungalows opposite on Park Road with regard to outlook. The proposal would therefore be contrary to, DMP Policy DM01, LP Policy D3, the Council's Sustainable Development and Construction Supplementary Planning Document (2016) and the Residential Design SPD which all require that all development should, amongst other things, provide a high quality of amenity for existing users. In failing to secure a quality of amenity for existing users the proposal would also fail to deliver high quality design which CS Policy CS5 seeks in broad terms to secure.

Conclusion

15. For the above reasons, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR