



Appeal Decision

Site visit made on 14 March 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/N5090/W/21/3283397

Land on the East Side of Schoolway and rear of 72 Ingleway, North Finchley, London N12 0QN

- 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 Ali Alaswad of Featured Homes UK against the decision of London Borough of Barnet.
 - The application Ref 21/1148/FUL, dated 1 March 2021, was refused by notice dated 29 April 2021.
 - The development proposed is the erection of a new build (2-bed) dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the appeal site differs between the application form, the council's decision notice and the appeal form. However, what is clear is that the site lies to the east of Schoolway and to the rear of 72 Ingleway. I have therefore combined the address details in the banner header above for the avoidance of any doubt.
3. The appellant has advised that there was a typographical error in the Daylight and Sunlight Assessment. They have confirmed that the references to 71 Ingleway should have been to 72 Ingleway and provided a revised report. This error is minor as the plans are correct. I have based my decision on the corrected assessment and consider that there would be no prejudice to the parties.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of the occupiers of 1 Schoolway, 70 and 72 Ingleway with particular regard to light, outlook and privacy (No 70 only); and
 - whether the proposal would provide suitable living conditions for the future occupiers of the development in terms of outlook and outdoor amenity space.

Reasons

Character and appearance

5. The area around the appeal site is generally residential and consists predominately of two-storey semi-detached and terraced houses. There are some detached houses in the area, but these are limited in number.
6. The appeal site consists of an overgrown part of the rear garden of No 72. The garden is bounded to the west by Schoolway, to the east by the garden of No 70, and to the north by a narrow path and then the garden of No 1. It is fenced off to all sides and has a gated access from the remaining garden of No 72. The level of the garden follows the level of Schoolway which rises from Ingleway to Woodhouse Road, and it sits slightly higher than the houses at No 70 and 72.
7. A distinctive characteristic of the existing houses in the area is their fairly low density and generally consistent/linear appearance. They are evenly spaced with good sized frontages, reasonably sized rear gardens and have a fenestration with good front and rear outlook. This gives the existing house plots an open and relatively spacious feel.
8. The proposal would consist of a new two-storey detached property with dual-pitched roof and single-storey side extension with flat roof. It would have an access onto Schoolway, a single off-street parking space, bin stores and cycle storage and would include an approximately 30.8 square metres of private rear amenity space.
9. In contrast to the prevailing character of the area the proposal, with its two-storey height and tight positioning within the garden plot, would occupy nearly the full plot size and would result in a very confined, cramped and out of scale development.
10. In addition to the above, and no doubt designed to prevent harm to living conditions of the occupiers of the neighbouring properties, the building would not have any windows in the side elevations at first floor level which creates large expanses of brickwork especially given the depth of the building and its visibility in the streetscene. Furthermore, the confined plot size would result in an outdoor amenity space which would be significantly smaller than other residential properties in the area.
11. Consequently, the proposal would not be in keeping with the area and would not preserve or enhance local character or respect the appearance, scale, mass, and pattern of surrounding buildings, spaces and streets.
12. The appellant provided a number of examples where smaller outdoor areas exist and have been permitted within the area. These examples included 3 to 6 Schoolway, 1 King Street and 1/1A Plantagenet Road. The nearest example properties to the appeal site are 3 to 6 Schoolway. However, from the evidence before me, the rear garden areas for these properties are much larger than the appeal proposal and these properties assimilate into the streetscene neatly.
13. In relation to 1 King Street, this two-storey property is distant from the appeal site and although no dimensions are shown on the provided plan, it has a small garden. However, this appears larger than the proposal's outdoor amenity area and the site appears less constrained. The 1/1A Plantagenet Road plan is also

distant from the appeal site and consists of a one bedroom single storey property within an area with a greater housing density. It does have a very small garden area and it is a confined plot however, as it is single storey and has only one bedroom it does not look as dominating as the proposal before me.

14. In summary, none of these examples are directly comparable to the appeal proposal. Moreover, I have considered this appeal proposal on its own merits and concluded that it would cause harm to the character and appearance of the area.
15. In conclusion the proposal would harm the character and appearance of the area and would conflict with Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP) and Policies D3 and D4 of the London Plan 2021 (London Plan). Furthermore, it would be contrary to Barnet's Local Plan Supplementary Planning Document Residential Design Guidance 2016 (the Residential SPD). These policies and guidance all seek, amongst other matters, to ensure development respects local context and distinctive character, are designed to a high standard, and create an accessible safe and attractive environment.

Living conditions of occupiers of neighbouring properties

16. The appeal property would be sited directly to the rear of No 72 and would fill an otherwise undeveloped gap. Given the land level differences and the depth of the appeal building it would be dominating to the occupiers of No 72, and to a lesser extent No 70, particularly when they are utilising their rear garden areas. The proposal would also impact on views from the rearward facing habitable room windows.
17. I have also noted that the building would be located much closer to these properties than recommended in the Residential SPD and the Barnet's Local Plan Supplementary Planning Document Sustainable Design and Construction 2016 (the Sustainable SPD) and this only cements my view that the proposal would have an unacceptable impact on the outlook enjoyed by the occupiers of both No 70 and 72.
18. In respect of No 1, I consider that there would be a good separation distance between the appeal building and the dwelling itself. Any impact would also be assisted by the lower land level of the appeal site.
19. Turning to potential privacy issues, the proposed dwelling would not have any windows in the elevations facing No 1 and No 72 and as such there would be no overlooking of these properties or their gardens. Furthermore, while the proposal would have windows facing No 72's garden, the rear fencing would screen any overlooking from the ground level and the first floor window would be fixed and obscure glazed, thereby preventing any actual overlooking and loss of privacy. Whilst the presence of this window may give rise to a perception of overlooking, given its location towards the end of the garden of No 70, this would not be so significant to warrant the withholding of planning permission on this ground.

20. In respect of the proposals impact on daylight and sunlight, the appellant has provided a detailed report which indicates that the proposal would not have a significant impact on any of the surrounding residential properties. The findings of this report have not been disputed by the Council with the exception that it was noted that a "No Sky Line" assessment had not been carried out.
21. However, given the other findings in the report on daylight and sunlight, together with the juxtaposition between the existing and proposed properties, it would be reasonable to conclude that the proposal would not have a significant impact on daylight to the habitable rooms of the adjoining properties and as such a detailed "No Sky Line" assessment is not necessary in this case.
22. Therefore, from the evidence before me, and what I observed on site, I am of the opinion that the proposal would not have an unacceptable impact on the availability of daylight or sunlight to the neighbouring properties.
23. As noted above, none of the examples of other developments provided are directly comparable to the appeal proposal. Whilst the examples do show variable separation between properties, most have significantly more than that provided by the appeal proposal. Furthermore, in the case of 1/1A Plantagenet Road which is, in some ways, the closest example in terms of size and scale to the proposal before me, its impacts on neighbours living conditions are significantly reduced by its single storey size, orientation and window positioning. Overall, the examples do not change my view on the effects on the occupiers of neighbouring properties living conditions that I identify above.
24. In conclusion, the proposal would harm the living conditions of the occupiers of Nos 70 and 72 in respect of outlook and as such would be in conflict with Policy CS5 of the CS, Policy DM01 of the DMP and Policy D6 of the London Plan. It would also conflict with the Residential SPD, the Sustainable SPD and the London Plan Housing Supplementary Planning Guidance 2016 (the Housing SPD). These policies and guidance all seek, amongst other matters, to protect Barnet's amenity and define housing quality and standards.

Living conditions of the future occupiers

25. The ground floor habitable room accommodation for the proposal would have windows which face out onto the rear garden area and across the entrance and parking area to the property. It would also have rooflights to the single storey kitchen area. At first floor level the front bedroom would have a front facing window and a rooflight as would the rear bedroom albeit that the rear bedroom window is proposed to be obscurely glazed.
26. The front aspect of the proposed dwelling would provide for a good level of outlook over the parking area and the street itself. However, the rear outlook from the habitable rooms would be quite limited due to the close proximity and height of the rear fencing to the ground level windows and the use of the obscure glazing at first floor. That said, the inclusion of the rooflights to both the first floor and single storey sections of the proposal, would provide an additional level of outlook as well as positively contributing to the natural light levels within the building. Given this, in my view the combined use of windows and rooflights would provide an acceptable level of outlook for the future occupiers of the dwelling.

27. As noted above, the proposal would provide approximately 30.8 square metres of private amenity space at the rear of the property. Whilst I acknowledge that this falls short of the recommended garden sizes as set out in the Residential SPD and the Sustainable SPD (which indicates a requirement of 40 square metres of private amenity space for the proposal), I consider that the size of the amenity area would be sufficient to meet the reasonable expectations of the occupiers of this property. That is to say the space would be of a size to allow occupiers to carry out all the domestic activities one would normally expect for the size of the dwelling.
28. In conclusion, the proposal would provide suitable living conditions for its future occupiers and would comply with the general aims and objectives of Policy CS5 of the CS, Policies DM01 and DM02 of the DMP and Policies D3 and D6 of the London Plan which amongst other matters seek to protect Barnet's amenity and define housing quality and standards.

Other matters

29. I acknowledge that the proposal meets many of the requirements set out in the relevant development planning policies, including having good transport connectivity. However, this does not provide a compelling reason to grant planning permission for an otherwise unacceptable development.

Conclusion

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

J Symmons

INSPECTOR