



Appeal Decisions

Site visit made on 1 June 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2022

Appeal Ref: APP/N5090/W/21/3287229

73 King Edward Road, New Barnet EN5 5AU

- 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 Moore against the decision of London Borough of Barnet.
 - The application Ref 21/4418/FUL, dated 9 August 2021, was refused by notice dated 1 November 2021.
 - The development proposed is the Demolition of the Existing Property and Provision of Two Residential Dwellings with Associated Amenity Space, Car Parking, Cycle and Waste Storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third reason for refusal relates to the effect of the proposal on existing trees. Since the time the appeal was submitted, the appellant has provided additional evidence by way of a Arboricultural Impact Assessment. The Council raise no objections to this information subject to the recommendation of the imposition of planning conditions, should I be minded to allow the appeal.
3. As they confirm it negates the third reason for refusal, I have nothing before me to contradict their findings on the matter. Therefore, in light of this, I will offer no further comment on this third reason for refusal.
4. An application for an award of costs has been made by the appellant and is determined under separate cover.

Main Issues

5. The main issues are the effect of the proposed new dwellings on:
 - The character and appearance of the local area; and
 - The living conditions of future occupants with particular regard to outlook and daylight levels into the dwellings.

Reasons

Character and appearance

6. The appeal site is located within a residential suburb and this part of King Edward Road is flanked by detached bungalows. The road transitions into a different character at the junction with Potters Lane.

7. Not all bungalows are precisely the same style as others. Nonetheless, there are unifying elements of fairly generously sized units in proportionately sized plots, wide fenestration patterns, hipped roof formation and similar consistency to the finished materials, collectively adds a cohesiveness to the street scene.
8. The appeal property is an anomaly as it is a detached house set amongst bungalows. The split-level arrangement of this dwelling is as a result of the slope of the road. Its upper level shares the same fenestration details, hipped roof arrangement with overhang, as seen to the adjacent bungalow of Number 71. Currently, the existing dwelling relates well in scale and mass to the adjacent bungalow.
9. All bungalows along this side of the road follow a similar rhythm and pattern, scale, bulk and mass. Even as a split-level dwelling, of an overall larger size when compared to the other bungalows, it does not look uncharacteristic. This proposal would be a significantly different form of development, doubling the number of dwellings on the site.
10. A pair of semi-detached dwellings, (Unit 1 and Unit 2 as proposed) would not follow the typical dwelling types of detached bungalows. By subdividing the one plot into two much narrower plots, and even if each plot size would be proportionate to each of the two dwellings, it would appear at odds with the prevailing character.
11. Two dwellings of the scale and mass proposed, and despite what the appellant argues would create more spaciousness around the plot, its overall larger scale and mass would not compare to the existing dwelling. It would not relate to No 71, or the other bungalows. It may be a similar length and width to the existing dwelling, and may cover the same site coverage, with a stepped ridge line. However, two dwellings in this one plot would appear pinched in this context and their cramped appearance would not result in a positive contribution to the character and appearance of the local area.
12. A set-back to the dwellings has been designed to allow for a driveway and garden to be created to the frontages which would be more akin to the neighbouring bungalows. Nevertheless, even with a set-back, it would not prevent the proposal from appearing as visually dominant development.
13. Despite the fact there would be less development along the common boundary with No 71, I find no conflict with the existing arrangement, nor has it been raised by the Council. I do not consider this to amount to betterment as a consequence of this proposal.
14. In terms of more precise design detail of the dwellings, the fenestration may consist of large openings although these are not of an appropriately similar design or positioning within the buildings when seen in the context of the adjacent bungalows it would be set amongst.
15. I understand it has been intended to resemble a modern interpretation of the adjacent dwellings using common design cues. The roof design has been utilised for habitable accommodation to make efficient use of space and there are bungalows with a gable end feature within the street scene. Nonetheless, the use of uncharacteristic circular window further contributes to the proposal appearing detrimentally out of character with the street scene.

16. The wider ground floor to first floor would also add additional uncharacteristic features into the street scene. Although the palette of materials may correspond with the surrounding vernacular, this would not overcome inappropriate and unacceptable development.
17. Therefore, to conclude on this main issue, I find that two dwellings would appear cramped in this location and the design would lead to unsympathetic development which would, as a combination, not follow the prevailing pattern of development. To this end, it would conflict with Policy D3 of the London Plan 2021 in its design aims as well as Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy September 2012, and Policy DM01 of the Local Plan Development Management Policies DPD 2012 in their overarching objectives to approve sustainable development, placemaking and to protect local character. Finally, it would not meet the wider design expectations of the Residential Design Guidance Supplementary Planning Document 2016 for development, amongst other things, to have regard to local context.

Living conditions

18. The area in dispute between the parties relates to the second floor bedrooms only, and there is nothing before me to dispute this.
19. At Unit 1, one bedroom within the second floor to the front elevation would be served by a single round window and the same would apply to the rear bedroom of the adjacent dwelling at Unit 2, together with a single roof light to each.
20. The Council's Sustainable Design and Construction Supplementary Planning Document 2016 seeks to guide all development to ensure it achieves an acceptable standard. To this end, it advises that glazing to habitable rooms should not normally be less than 20% of the internal floor area. The Council also point me to the Residential Design Guidance Supplementary Planning Document 2016 that specifically explains that 'All habitable rooms should contain at least one main window with an adequate outlook'.
21. Considering the sole use of roof lights to two bedrooms, regardless of whether or not they meet the Council's minimum threshold of 20% of glazing to habitable rooms, nonetheless, rooflights would allow occupants only sky views. Some of this outlook would be through obscure glazing. The occupants would fail to have a sense of context to their surrounding environment when relying solely on roof lights.
22. In other rooms, the use of circular window as the main window may provide an adequate outlook for future occupants. However, the combination of glazing to the rooms would fail to meet the Council's minimum glazing standards.
23. I have taken into account the results of the Daylight Assessment that states that the Average Daylight Factor exceeds the BS guidance in this respect. However, irrespective of the findings of this report, or whether or not internal glazing meets the Council's minimum threshold, I am nonetheless not satisfied that the potential occupants would not be adversely harmed by way of outlook. Therefore, I find conflict with Policy DM01 of the LB Barnet: Development Management Policies DPD (2012) that seeks to safeguard the living conditions of potential occupants, including advice contained within the SPD's to which I apply significant weight.

24. I therefore conclude that the proposal would be contrary to the broad quality and design aims of Policy 3.5 of the London Plan, Policy DM01 of the LB Barnet: Development Management Policies DPD (2012) with regard to protecting amenity of potential occupants, the Sustainable Design and Construction Supplementary Planning Document (2016) and the Residential Design Guidance SPD (2016) in respect of the impact of safeguarding amenity levels.
25. Policy DM02 of the Local Plan Development Management Policies DPD 2012 is only relevant as this policy points to the Sustainable Design and Construction Supplementary Planning Document (2016).

Other Matters

26. Additional dwellings in this location would add to the Borough's housing stock. However, two additional family dwellings would be of limited contribution. It may be intended to be built to a high-quality standard, and make efficient use of land using appropriate landscaping with acceptable internal ventilation, and the Council raises no negative impacts to other residential living conditions. Nevertheless, this would not lead me to reach a favourable conclusion on the proposal. Nor do I find the condition of the existing dwelling to be 'in a poor state of repair' that would outweigh the harm of this proposal.

Conclusion

27. The proposal would thus lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR

