



Appeal Decision

Site visit made on 21 June 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2022

Appeal Ref: APP/N5090/W/21/3278530

1 Elmbank Avenue, Arkley, Barnet EN5 3DU

- 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 John Fairbairn against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/4778/RCU, dated 4 October 2020, was refused by notice dated 15 January 2021.
 - The development proposed is the change of use of outbuilding into a self contained residential dwelling. Demolition of garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice sets out that the change of use is retrospective. However, and at my site visit, it was not possible to establish if the building was currently occupied as a self-contained dwelling. I have therefore considered the appeal scheme to be as proposed. The description above is taken from the planning application form and reflects the development subject of the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide satisfactory living conditions for the future occupiers; and
 - the effect of the proposed development upon the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

4. The appeal site lies within an established residential area, made up predominately of two-storey semi-detached and terraced housing. Many properties have front gardens and due to the housing layout, a few flank the various roads in the area. On some corner plots, vehicular access has been created to the side and rear with garages erected, but this is not a common

feature of the area. Although there is a variation in styles, notwithstanding the garage and outbuilding, the height and scale of the built environment on this side of the road is noticeably consistent and a positive characteristic of the area.

5. No 1 Elmbank is situated on the corner of the junction. The land rises steeply from Elmbank Avenue to the rear of the property. At the very end of the garden is a double garage, which sits in an elevated position above the rest of the plot and next to this is the outbuilding, which faces the road. The slab level of the outbuilding sits below the garage and the road. The roof of the outbuilding is barely visible above the boundary fencing, which has been topped with a trellis.
6. Whilst the outbuilding already exists it is still read within the context of the host dwelling behind the existing fence. Its height adjacent to the existing boundary does not interrupt or harm the character or appearance of the street. However, with the removal of the existing boundary fence and due to the difference in height and scale with the houses on this section of the street, the proposed development would harmfully disrupt the established and consistent rhythm in terms of building height.
7. Furthermore, the proposed development would result in a broad frontage, highlighting the building being forward of existing dwellings. This would be in contrast to the existing situation whereby the outbuilding is behind the boundary fence. This would be a significant departure from the character and appearance of the nearby built form and would emphasise the visual prominence of the proposed dwelling. The result would be the proposed development appearing at odds with the relatively harmonious character and appearance of the street.
8. Consequently, the proposed development would have a detrimental impact on the character and appearance of the surrounding area. This would be contrary to Policies 7.3 and 7.4 of the London Plan (2021), Policies CS1, CS4, and CS5 of the London Borough of Barnet: Local Plan (Core Strategy) Development Plan Document (2012) (CS) and Policy DM01 of the London Borough of Barnet: Local Plan (Development Management Policies) Development Plan Document (2012) (LP). These policies, amongst other things, seek to ensure that development respects local context and is of a high-quality design.
9. The proposed development would also be contrary to the guidance contained within the Residential Design Guidance Supplementary Planning Document (SPD) (2016) and the Framework. Broadly, these seek new development to be well designed and sympathetic to local character.

Living Conditions – Future Occupiers

10. Bedrooms are defined as habitable rooms in the Council's Sustainable Design and Construction SPD. There are two windows serving the bedroom. The window to the side elevation would allow for some limited outlook onto the garden but would still be in close proximity to the boundary. However, the window adjacent to the boundary of No 3 would look out onto the adjacent boundary fencing. This short separation distance alongside the boundary height would consequently create a dominant and oppressive relationship which would have an overbearing effect on the outlook from the rear window. Given the

limited outlook from the side window it would not overcome the harm to outlook for future occupiers of the dwelling.

11. The proposed development would therefore have a harmful effect upon the living conditions of future occupiers of the dwelling. The proposal would therefore be contrary to Policy CS5 of the CS, Policies DM01 and DM02 of the LP. These together, and amongst other things, seek to ensure that new development protects the living conditions of future occupiers.
12. The proposed development would also be contrary to the guidance contained within the SPD and the Sustainable Design and Construction Supplementary Planning Document (2016) which also seek to protect the living conditions of future occupiers.

Living Conditions – Neighbouring Occupiers

13. Whilst there would be small fenestration changes the existing relationship between the proposed dwelling and nearby properties would ensure sufficient distance is maintained to prevent any overlooking of nearby properties. Additionally, the low height of the proposal would not impact on outlook for any nearby occupiers.
14. The introduction of an additional dwelling in this location would increase noise and associated domestic activities. However, the appeal site is located within an existing residential area. Taking into account the small scale of the proposal, the activity and disturbance generated, would not lead to a level of activity that would be more marked and intensive than is already present in the surrounding area.
15. Consequently, the proposed development, would not harm the living conditions of nearby occupiers. It would accord with the relevant provisions of Policy CS5 of the CS and Policies DM01 and DM02 of the LP. These policies, amongst other things, seek to ensure that development proposals protect the amenity of neighbouring occupiers.
16. The proposed development would also comply with the guidance contained within the SPDs which also seek to protect the living conditions of neighbouring occupiers.

Other Matters

17. It has been raised that there is an identified need for housing in Barnet. I have not however been supplied with a copy of the Council's latest housing requirement. Even if there were an identified need, the provision of housing in this case would be very limited and give rise to multiple, wide ranging and long lasting planning harms which would subsequently conflict with the development plan. It would not therefore lead me to allowing the appeal.

Conclusion

18. The proposal would not have a harmful effect on nearby occupiers through noise or disturbance. However, this would be a lack of harm and thus neutral. It would not be sufficient to outweigh the harm I have identified with regard to the effects on the character and appearance of the area or future occupiers of the dwelling.

19. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, sufficient to outweigh the identified harm and associated development plan conflict. The appeal should therefore be dismissed.

A Hickey

INSPECTOR

