



Appeal Decision

Site visit made on 7 June 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2022

Appeal Ref: APP/N5090/W/22/3291571

80 Golders Manor Drive, Golders Green, London NW11 9HT

- 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 Mrs Andrea Clerk against the decision of London Borough of Barnet.
 - The application Ref 21/4627/FUL, dated 16 August 2021, was refused by notice dated 13 December 2021.
 - The development proposed is described as "Demolition of converted garage at 80 Golders Manor Drive and the garage next to it and replacement of these planning units with a pair of semi detached maisonettes. The garage is currently in sui generis use and this would change to C3 use".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site has been the subject to several unsuccessful appeals in the past. I have not been provided with the full details of those appeals other than extracts of elevations and selected quotes from the decisions in the Council's Officer Report. I also understand that the Development Plan may have changed since some of those decisions. I have determined the appeal on the evidence before me, on its own merits.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the appeal site and the surrounding area; and
 - whether the proposed development would provide adequate living conditions for future occupiers with regard to outlook and the provision of external amenity space.

Reasons

Character and Appearance

4. The appeal site comprises two single storey buildings in between the gardens of two properties on Western Avenue and Heathfield Gardens respectively. One of the buildings has been previously converted into living accommodation. The other is a garage. The site has a frontage onto Golders Manor Avenue. No other houses face this section of the avenue which is dominated by the side boundaries of the houses on Western Avenue and Heathfield Gardens.

5. The appeal site is located in an established residential area characterised by substantial detached and semi-detached houses sharing similar design origins. They are generally set back from the road by small front gardens and driveways and have longer rear gardens giving the area a spacious, suburban feel.
6. The proposal involves the demolition of the two existing buildings on the site. Their plots would be combined and replaced with a pair of semi-detached dwellings. The proposed dwelling would be constructed on a similar footprint to the existing buildings, set back from the highway by a small, enclosed courtyard with a high boundary wall at the back of the pavement. The dwellings would be noticeably smaller than other properties nearby.
7. The proposal would be lower than the houses which surround it, so it would not have any adverse impact on the living conditions of the occupiers of those properties. The proposed use of materials and design features would complement the surrounding area. Nevertheless, the roof with large, pitched dormers on the front elevation would appear incongruous in the street scene. As a result, the proposal would be distinctly at odds with the surrounding houses and overall, it would harm the character and appearance of the area.
8. The ownership of the appeal site is unusual in that it is not related to the either of the adjacent properties. However, that is not readily apparent when passing the appeal site. I also acknowledge that there are a pair of garages opposite the appeal site, however these read obviously as a pair of garages which are characteristic of an established residential area. I do not consider that the proposal before me would serve any purpose in balancing the appearance of them. Nor is there any impetus to do so. The proposal would tidy up the site. However, the proposal before me would not be the only way in which this could be achieved. These matters either individually or cumulatively do not, therefore, weigh heavily in favour of allowing the appeal.
9. For the reasons given above, I conclude that the proposed development would unacceptably harm the character and appearance of the appeal site and the surrounding area in conflict with Policy CS5 of the Barnet Core Strategy Development Plan Document (2012) (CSDPD) and Policy DM01 of the Barnet Development Management Policies Document Development Plan Document (2012) (DMDPD) which seek to ensure good design and protect the character and appearance of an area. It would also fail to comply with the design aims set out in Barnet's Residential Design Guidance Supplementary Planning Document (2016) (RDGSPD).

Living Conditions

10. Around 6m² of private amenity space would be provided at the rear of the proposed dwellings. The London Plan Housing Supplementary Planning Guidance (2016) (LPHSPG) requires a minimum of 5m² of space to be provided for 1-2 bed dwellings. The Council's Sustainable Design and Construction Supplementary Planning Document (2016) (SDCSPD) requires a minimum of 5m² per habitable room to be provided for flats whereas for houses of up to four habitable rooms 40m² would be required. I consider that the proposal is more akin to a pair of houses, both in internal layout and external appearance and notwithstanding the likely small number of occupants, which would require 40m² of external amenity space per dwelling.

11. Nevertheless, even if I were to accept the lower of these standards the outlook from the ground floor living accommodation would be, both from the front and back of the dwellings, towards high boundary fences and walls. The height and proximity of the boundary treatments would result in a sense of enclosure which would be unduly oppressive. The result would therefore be a poor outlook for future occupiers.
12. I accept that both the LPHSPG and SDCSPD the considers that balconies of a depth of 1.5m are acceptable. However, balconies would normally have an open aspect not afforded by the proposal before me. The space proposed would not provide a pleasant space for sitting out or the drying of laundry, due to the enclosed nature of the space proposed. Furthermore, the orientation of the space would mean that the space would likely be in shade for considerable parts of the day.
13. For the above reasons, the proposed development would fail to provide adequate living conditions for future occupiers with regard to outlook and the provision of quality external amenity space contrary to DMDPD Policies DM01 and DM02 which seek to provide a high standard of amenity for future occupiers. It would also conflict with the aims of the RDGSPD and the SDCSPD.

Other Matters

14. The appeal site is conveniently located for both public transport and open spaces. It may well be that small sites can make an important contribution to housing delivery and diversity in the community. However, given the scale of the development these benefits, and associated weight are limited.
15. It has been suggested that the Development Plan may be out of date and so Paragraph 11(d) of the National Planning Policy Framework (the 'Framework') should be applied. However, while the Framework seeks to deliver housing in accessible locations and promote diversity in the housing market to meet the needs of a range of people, it seeks to do this in a way that protects the character and identity of areas and delivers high quality living environments. For the reasons given, I find that the adverse impacts in this regard significantly and demonstrably outweigh the benefits when the Framework is taken as a whole. Therefore, the presumption in favour of sustainable development would not apply in any case and does not weigh in favour of the proposal.
16. The current proposal provides accommodation in a different configuration to that proposed in previous schemes which the appellant feels provides better living conditions for future occupiers with regard to the internal layout of the dwellings in that they are dual aspect. This is not a disputed matter and I have not considered the internal layout of the proposed dwellings as set out above.
17. I acknowledge that feedback received during the pre-application process has been incorporated into the scheme. However, pre-application discussions are not binding on any future decision the local planning authority may make once a proposal has been subject to the formal planning process and the Council ultimately refused planning permission. I have considered the appeal resulting from that accordingly, on the basis of the evidence and planning merits of the case.

Conclusion

18. For the reasons given, I have found that the proposal conflicts with the development plan read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it.

Katherine Robbie

INSPECTOR