



# Appeal Decision

Site visit made on 30 June 2022

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 July 2022**

**Appeal Ref: APP/N5090/W/22/3290911**

**Rear of 62 Clifford Road, Barnet EN5 5NY**

- 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 J Kassrai against the decision of London Borough of Barnet.
- The application Ref 21/4902/FUL, dated 8 September 2021, was refused by notice dated 10 November 2021.
- The development proposed is the erection of a new two storey including basement level dwelling house.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are 1) the effect of the proposed development on the character and appearance of the area, and 2) whether or not the proposed development would provide acceptable living conditions for its future occupants with specific regard to outlook from the proposed bedroom.

## Reasons

### *Background*

3. The appeal site was subject to a previous appeal<sup>1</sup> for a two-storey dwelling including basement level. The appeal was dismissed as it was found the dwelling would have a harmful effect on the character and appearance of the site and surrounding area and would not provide acceptable living conditions for future occupants.
4. Although since this previous appeal decision, the Government has published a revised National Planning Policy Framework (the Framework) and the Mayor of London has published a new London Plan, there is no substantive evidence that either the situation on, or surrounding the appeal site, have changed in the interim. Although I am not bound by the previous Inspectors findings and have considered the appeal proposal on its own individual planning merits, the decision and its findings are a material consideration which I have given significant weight.

### *Character and appearance*

5. The appeal site is situated to the rear of no. 62 Clifford Road which is a two-storey building that comprises four residential flats. The appeal site comprises private outdoor amenity space, onto which the new dwelling is proposed, and a

<sup>1</sup> APP/N5090/W/20/3253296

- detached dwelling, no 62E Clifford Road, with an access strip that runs to the side of no. 62 parallel with an access to the recreation ground to the rear.
6. The surrounding area is predominantly made up of residential properties which for the most part are two-storey detached and semi-detached properties that front onto the road and have gardens to the rear. I observed that there are outbuildings to the rear of some properties, however, save for no. 62E, these appear to be garages and incidental outbuildings rather than self-contained dwellings.
  7. The evidence shows that the existing dwelling on the appeal site, no 62E, was constructed on the site of garages that previously occupied the site. This would account for the vehicular access to the side. The existing dwelling is also notably larger and appears more spacious than the proposed dwelling. Importantly however, the existing dwelling is clearly an exception to the predominant make-up of the surrounding area and was brought about under a specific set of circumstances relating to that site.
  8. The same set of circumstances do not apply to the site of the proposed dwelling that forms private outdoor amenity space to the rear of street-fronting dwellings, which is one of the dominant characteristics of the area. The proposed development would conflict with this established characteristic, even though it is adjacent to an existing dwelling that sits to the rear of properties. It would conflict with, and contribute to the erosion of, this established arrangement. Such an abrupt deviation from the established character of the area would cause harm.
  9. Due to the proposed size, siting and layout, the proposed development for a self-contained dwelling, would appear cramped and shoe-horned into the site. I recognise that the dwelling with its flat roof and basement level has been designed to reduce its visual impact. Its position to the rear of no. 62 and being only partially visible above the boundary fence would also alleviate its visual impact. It would, nevertheless, as a self-contained dwelling, be out of character with the established pattern of development and would appear excessive and an overdevelopment of the site.
  10. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to Policies CS1 and CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document (2012), Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012), Policy D3 of the London Plan (2021) and guidance contained within the Residential Design Guidance Supplementary Planning Document (2016). Collectively, these policies and guidance seek to ensure, amongst other things, that development is of a high quality and standard of design, based on an understanding of local characteristics and should preserve or enhance local character.

#### *Living conditions – future occupants*

11. The proposed dwelling would be a one-bedroom, two-person property. The bedroom would be situated in the proposed basement level. Providing 28 sqm of the total habitable room floorspace of 60 sqm it represents a significant proportion of the habitable floorspace of the dwelling.

12. The outlook from the bedroom would be across a small lightwell area onto a retaining wall. Having regard to the scale on the submitted plan, I estimate this distance to be in the region of 2.5m. Due to this degree of separation, at a position below ground level, this would result in a claustrophobic and confined environment. When also having regard to the significance of the bedroom in terms of the overall habitable floorspace of the property, it would represent an unacceptable outlook in an area where there are apparent good levels of outlook to surrounding residential properties.
13. I therefore conclude that the proposed development would not provide acceptable living conditions for future occupants with regard to outlook. It would be contrary to Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012) which requires, amongst other things, that development proposals should be designed to allow for adequate outlook for potential occupiers and users.
14. The proposed development would also be contrary to guidance contained within the Residential Design Guidance Supplementary Planning Document (2016) and the Sustainable Design and Construction Supplementary Planning Document (2016). These documents outline that all habitable rooms should contain at least one main window with an adequate outlook, and that bedrooms should have a reasonable outlook.
15. It would also conflict with the requirement of the Framework that planning decisions should ensure that developments provide a high standard of amenity for existing and future users.

### **Planning Balance and Conclusion**

16. The Government's objective as set out in the Framework is to support sustainable housing growth. The proposed development would result in a slight increase in the Council's overall housing number and would appear to be in a sustainable location. It would also bring a small number of additional residents to the area who would contribute to the local economy. Collectively, I give these matters moderate weight in favour of the proposed development.
17. However, the harm that I have identified that would be caused to the character and appearance of the area and the failure to provide acceptable living conditions attracts significant weight that outweighs the benefits associated with the proposed development.
18. The proposed development would therefore conflict with the development plan and there are no identified other considerations that outweigh this conflict.
19. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*A M Nilsson*

INSPECTOR