



Appeal Decision

Site visit made on 25 July 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2022

Appeal Ref: APP/N5090/W/21/3284340

79 Chandos Avenue, London N20 9EG

- 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 and Mrs Deepti Haria against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/5477/FUL, dated 14 November 2020, was refused by notice dated 6 August 2021.
 - The development proposed is demolition of existing dwelling and erection of a two storey dwelling with rooms in the roofspace and 3no. off street parking and associated refuse and recycling and outbuilding in the rear garden.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Main Issues

3. The main issues are, the effect of the proposed development on the:
 - Character and appearance of the surrounding area; and
 - Living conditions of the occupiers of Nos 77 and 81 Chandos Avenue, having regard to outlook, light and privacy.

Reasons

4. The scheme follows a previously refused planning application, and dismissed appeal, for a similar development. The proposed replacement dwelling has been altered to address previous reasons for refusal.

Character and appearance

5. The appeal site is located within a residential area characterised by two-storey dwellings. The existing dwelling makes a positive contribution to the area due to its design, form and proportions which are in keeping with the surrounding area.
6. I observed on my site visit that Chandos Avenue as a whole contains a variety of architectural styles and some properties have been extended, including through accommodation in the roof space. Nonetheless, this section of Chandos

Avenue is characterised by detached dwellings with a generally uniform design with bay windows, hipped and gable roof forms as well as gaps to the side.

7. The proposed dwelling would be noticeably larger compared to the existing dwelling. Having said that, the neighbouring dwellings, and others within the street scene, are larger than the host dwelling. Furthermore, the proposed dwelling would not be higher than the highest point of the existing dwelling or neighbouring properties.
8. Currently, the existing dwelling is single storey adjacent to No 81 Chandos Avenue. The current arrangement between the host dwelling and No 81 results in a gap above ground floor level. The proposed dwelling would substantially increase the amount of built development towards this boundary and close this gap. The front elevation would have two gable front projections and a large, arched glazed area within the centre also with a gable feature.
9. The replacement dwelling would read as excessive in scale and would not relate well with the dwellings within the surrounding area. It would appear bulky and overbearing. The replacement dwelling would not respect or complement the established character of the road and would result in an incongruous addition. This is because of the design, depth, width and bulk of the proposed dwelling.
10. For these reasons, the proposed development would harm the character and appearance of the surrounding area. Consequently, it would conflict with Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan Core Strategy (2012) (CS), Policy DM01 of Barnet's Local Plan Development Management Policies (2012) (DMP) and Policy D3 of The London Plan. These collectively seek, amongst other matters, to ensure proposals preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. It would also conflict with the Council's Residential Design Guidance Supplementary Planning Document (2016) (SPD). This seeks to ensure that new development complements or improves the character of the area through its appearance, architectural detailing, siting, use of materials, layout and integration with surrounding land, boundaries, building lines, setbacks, fronts and backs.

Living conditions

11. 77 Chandos Avenue appears to be located on the shared boundary and is situated towards the south of the appeal site. It sits noticeably higher than No 79 which is reflected in the height of the boundary treatment. No 77 features a glazed sheltered patio area which projects from the rear elevation and incorporates a solid wall adjacent to the appeal site. 81 Chandos Avenue is situated towards the north east and sits lower than the appeal site due to the topography of the area. The proposed dwelling would project beyond these properties.
12. The main parties set out the distances that the replacement dwelling would project beyond the adjacent dwellings and the appellant has provided a daylight and shadowing report. The proposed development would cause some overshadowing of particularly No 81 and the patio, especially in the late afternoon.
13. The proposed first floor rear windows would be orientated towards the garden of the appeal site rather than the neighbouring properties and their gardens.

The first floor side windows serve a bathroom and en-suites. The drawings indicate that these would be fitted with frosted glazing, and this could be secured by a planning condition.

14. Having considered the information presented, existing arrangements between the host dwelling and neighbouring dwellings, guidance contained within the SPD, I consider that the proposal would not have an overbearing impact or result in an unacceptable loss of privacy, due to overlooking, on the living conditions of the occupiers of Nos 77 and 81. Furthermore, the proposal would not cause significant overshadowing or loss of light upon the neighbouring properties to warrant refusal of the application in this regard.
15. For these reasons, taking into account the information before me, the proposed development would not have an unacceptable effect on the living conditions of the occupiers of Nos 77 and 81, having regard to outlook, light and privacy. Consequently, it would accord with Policy CS5 of the CS and Policy DM01 of the DMP. These policies seek, amongst other matters, to ensure development proposals are designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. It would also comply with the SPD which states all developments should be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight.

Conclusion

16. Although I have found that the proposed development would not have an unacceptable effect on the living conditions of the occupiers of Nos 77 and 81, it would have a harmful effect upon the character and appearance of the surrounding area to which I attach significant weight.
17. For the reasons given above, having considered the development plan as a whole, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR