



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: 17 August 2022

Appeal Ref: APP/N5090/W/21/3287528
143 Friern Barnet Lane, London N20 0NP

- 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 Brewster against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/3131/FUL, dated 7 June 2021, was refused by notice dated 3 September 2021.
 - The development was originally described as proposed new bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are, the effect of the proposed development on the:
 - Character and appearance of the surrounding area, having regard to local planning policy; and
 - Living conditions of occupiers of Nos 141, 143 and 145 Friern Barnet Lane, having regard to noise and disturbance.

Reasons

3. The scheme before me follows previous refused planning applications, including dismissed appeals. The proposal seeks to address previous reasons for refusal and proposes a single-storey dwelling.

Character and appearance

4. The appeal site comprises the rear garden of 143 Friern Barnet Lane which borders St James Close and is currently overgrown. The Council highlight that local planning policy recognises the importance of gardens. Similarly, the Sustainable Design and Construction Supplementary Planning Document (2016) (SDC) states that gardens make a significant contribution to local character.
5. The surrounding area is characterised by detached and semi-detached residential dwellings which follow generally a continuous built frontage and are set back from the road behind front gardens and driveways. In general properties which front onto Friern Barnet Lane have large rear gardens. Nonetheless, there are examples of plots with smaller gardens, such as 141 and 139 Friern Barnet Lane.

6. St James Close is characterised by semi-detached dwellings, on one side and at the end of the road, set back behind front gardens and driveways which results in a very regular streetscene. Development on the opposite side of the road, where the appeal site is situated, is not characterised by dwellings. The undeveloped nature of the appeal site contributes to the openness and spaciousness to this side of St James Close.
7. Adjacent to the appeal site is a garage associated with 141 Friern Barnet Lane which fronts onto St James Close. This is a large outbuilding, which replaced a previous garage, and impacts the openness of this side of the road. The proposed development cannot be directly compared to the outbuilding because it is an ancillary building rather than a dwelling. Thus, this side of St James Close is characterised by residential gardens and ancillary buildings associated with dwellings situated on Friern Barnet Lane.
8. From longer distance views, the proposal would not be conspicuous due to the height and design of the proposed dwelling as well as the siting of the proposed dwelling adjacent to No 141's outbuilding. However, the dwelling would be clearly visible from parts of St James Close.
9. The proposed scale, bulk, siting and design of the dwelling would be distinctly at odds with the character and appearance of the area. A new dwelling on this side of St James Close would not reflect the established pattern of development. It would have an adverse effect on the primarily undeveloped, spaciousness and openness of this side of St James Close. The scheme would result in an inappropriate development of garden land which would be detrimental to the character of the area. Overall, the proposal would be unrelated to the strong character of the semi-detached properties within St James Close and would result in an incongruous addition.
10. The appellant suggests that it is assumed that if they wished to erect a similar outbuilding to that at No 141, then this ought to be deemed acceptable. Similarly, residents suggest that more obtrusive structures could occur through permitted development rights. The characteristics and appearance of a dwelling cannot be directly compared to an outbuilding. Furthermore, based on the evidence presented, there is not a greater than a theoretical possibility that such a development might take place.
11. My attention has been drawn to various other decisions approved on garden land¹. The scheme before me cannot be directly compared to that at No 159 Friern Barnet Lane. This is because St James Avenue is characterised by dwellings to both sides of the road. Furthermore, in that scheme, a bungalow was to the side of the appeal site, the appeal site contained an outbuilding and the dwelling had a greater set back from the highway than the scheme before me.
12. It also cannot be directly compared to that at No 153 Friern Barnet Lane. This site is also situated off St James Avenue which is characterised by dwellings to both sides of the road. Similarly, although I recognise there are some similarities between the scheme before me and the approved developments, the character and nature of the built development of the appeal site cannot be

¹ Including APP/N5090/W/18/3215154, 21/2109/FUL, 15/05785/FUL, APP/N5090/W/15/3089713, C14894B/03, APP/N5090/W/20/3248645, 15/07124/FUL, 74-76 Lyonsdown Road / Hasluck Gardens, APP/N5090/W/16/3149519

directly compared to those developments highlighted in the wider area. In any event, each case is treated on its own merits, and I have made a planning judgement based on the site specific context on the ground.

13. For these reasons, the proposed development would be visually harmful to the character and appearance of the surrounding area. Accordingly, it would conflict with Policies D1, D3 and D4 of the London Plan (2021) (LP), Policy DM01 of Barnet's Local Plan Development Management Policies (2012) (DMP) and Policies CS1, CS4 and CS5 of Barnet's Local Plan Core Strategy (2012) (CS). These seek, amongst other matters, to ensure proposals protect and enhance the gardens of residential properties and also preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
14. In addition, it would conflict with the National Planning Policy Framework (the Framework) which states that developments should achieve well designed places which are sympathetic to local character. It would also conflict with the Residential Design Guidance Supplementary Planning Document (2016) (RDG) which states where new development is considered detrimental to the site and local character, planning permission will normally be refused, and states that the design and layout of new development should be informed by the local pattern of development.

Living conditions

15. The proposed development would generate additional comings and goings than the existing use of the site. However, it is situated within a residential area. Furthermore, there would be a reasonable gap between the proposed development and the neighbouring dwellings (141 and 145 Friern Barnet Lane) due to the size of the gardens. No 143 would have a smaller garden as a result of the development. Nonetheless, there would still be a reasonable gap between No 143 and the proposed dwelling. Consequently, I do not consider that the new dwelling would significantly increase the level of activity and associated noise and disturbance given the scale of the development, distance to neighbouring dwellings and the site is situated within an established residential area.
16. For these reasons, based on the evidence presented, the proposed development would not have an unacceptable effect on the living conditions of the occupiers of Nos 141, 143 and 145, having regard to noise and disturbance. Consequently, it would accord with Policy CS5 of the CS and Policies DM01 and DM02 of the DMP. These 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 RDG which states that all development should ensure that it does not reduce the amenity value of neighbouring occupiers. In addition, it would accord with the SDC which sets out standards and requirements to protect existing and future occupants.

Other matters

17. The appellant and local residents have highlighted other matters. These include that the proposal would provide an accessible home which would contribute towards housing need, objectives of the London Plan, compliance with local and national planning policy as well as matters relating to trees. Based on the

evidence presented, the other matters do not lead me to a different overall conclusion on the main issues.

Conclusion

18. Although I have found that the proposed development would not have an unacceptable effect on the living conditions of the occupiers of Nos 141, 143 and 145, it would have a harmful effect upon the character and appearance of the surrounding area. I acknowledge the benefits of the proposal, however these would be limited due to the scale of the development and they do not outweigh the harm identified above.
19. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

L M Wilson

INSPECTOR