



Appeal Decision

Site visit made on 28 September 2022

by L Hughes, BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/N5090/W/22/3296470

Fern Court, Green Lane, Edgware, HA8 7PJ

- 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 Stirling Residential against the decision of London Borough of Barnet.
 - The application Ref 21/4413/FUL, dated 2 August 2021, was refused by notice dated 8 October 2021.
 - The development proposed is described as 'demolition of existing building and erection of new structure to provide six 2 bedroom flats and one 3 bedroom flat, plus detached storage building and associated parking.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development:
 - on the character and appearance of the area; and
 - on the living conditions of neighbouring occupiers, with particular regard to outlook, sunlight, and noise; and
 - on biodiversity.

Reasons

Character and appearance

3. The site consists of a corner plot containing 2 semi-detached dwellings converted into 4 flats, which retain the general appearance of the original. The plot sits within a very cohesive street scene of predominantly semi-detached dwellings, of a range of styles and with some individual modifications and extensions but with generally 2 storey front bay front projections and hipped roofs. There is also a terraced block slightly further away, which is stepped to the front and in height resulting in a rhythm and massing which reflects this same vernacular. Properties across the wider area are all 2 storey, excepting some buildings fronting High Street which are not seen within the context of the appeal site. Dwellings are separated by regular and relatively narrow gaps, which contributes overall to a dense but pleasant and very consistent suburban residential character.

4. The subject plot is slightly unusual in this context as it is bounded to one side by a small triangle of land hosting a sub-station and mature trees, with the street frontage then continued by a fenced rear garden of the house fronting Hillside Drive. However, it maintains a similar set back as its immediate neighbour at No. 31 Fernhurst Gardens, is the same height and scale as the adjacent properties, and thus overall does not particularly stand out in the street scene.
5. The proposal is to demolish the dwellings and erect a 4-storey building containing 7 flats. The proposed height, massing, front balconies, and shape including the large expanse of flat roof, would greatly stand out within the streetscene and draw undue attention and prominence. It would also appear cramped within its plot, and would unacceptably dominate over the neighbouring 2-storey house at No. 31 Fernhurst Gardens. The roof form, height, and balconies would be prominent in the skyline and vistas all the way along Green Lane to its junction with Manor Park Crescent, and for a long distance in the other direction, and thus be discordant in comparison with the original character of this area. The area's larger buildings are further away and are also not directly comparable because they front onto the more commercial character of High Street.
6. As outlined above, the site is not so unusual or distinctive within the current streetscene and layout as to warrant such a drastic juxtaposition of design and massing. The sub-station land adjacent would provide some visual break with adjacent dwellings, but would also increase the building's prominence from the north with no other dwellings to block the view. While the appellant considers the frontage design reflects local vernacular through the forward projection of the stair tower and roof acting as a full height bay, overall this intent would be lost compared to the visual distraction of the height, roof form, amount of glazing, and the balconies.
7. A similar undue level of prominence would also be apparent when viewing the building's rear from the gardens and windows of those properties behind. It would appear cramped within its plot and be excessively dominant in comparison to the adjacent properties, and thus would be out of character with the cohesive nature of the garden environment encircled by those properties.
8. In conclusion therefore, the development would result in harm to the character and appearance of the area. This would be contrary to Barnet's Local Plan (Core Strategy) Development Plan Document (DPD) (2012) policies CS NPPF, CS1, and CS5, Barnet's Local Plan (Development Management Policies) DPD (2012) policy DM01, and the London Plan (2021) Policy D3. This is because they seek to protect Barnet's character, amenity, and visual quality, and for proposals to enhance the Borough's high quality suburbs through positively responding to local distinctiveness and respecting the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.
9. As a material consideration, the development would also be contrary to guidance in the Barnet Residential Design Guidance Supplementary Planning Document (SPD) (2016), which seeks that the design and layout of new development should respect the surrounding physical context and character of the area in which it is situated, respond to the positive features of that character, and ensure that the proposed density is suited to the site and to the wider context.

Living conditions

10. No. 31 Fernhurst Gardens adjacent to the site does not have a particularly large garden. The excessive height and scale of the proposed building in close proximity would appear highly overbearing from within it, and thus would harm outlook for its occupiers with a strongly increased sense of enclosure and domination. To a slightly lesser extent there would, for the same reasons, also be an impact on outlook from the rear gardens of the Hillside Drive properties bordering the site. The stepped configuration of the proposal's upper stories is insufficient to mitigate the overall harm.
11. While the daylight and sunlight review summary suggests that the proposal would meet BRE Guide target criteria for sunlight impact on adjacent gardens, I find that even a small degree of overshadowing to No. 31 would be experienced as unduly excessive when combined with the impact on outlook as identified above and due to the scale and proximity of the building.
12. The proposal would add an additional 3 dwellings comprising 7 bedrooms onto the site. While this would result in an increase in occupants, vehicle movements, and noise from use of outdoor spaces including from the introduction of balconies to the front, some intensification of a residential use is appropriate in a suburban area. While the balconies would provide new outdoor space, they would not be close to the dwellings opposite and would be away from existing private gardens. Therefore, they would not result in an unreasonable extent of noise and disturbance to neighbouring occupiers.
13. In conclusion therefore, while the development would not result in harm to the living conditions of neighbouring occupiers with regard to noise, it would result in harm relating to outlook and sunlight. This would be contrary to policies CS1 and CS5 of the Core Strategy DPD, DM01 of the Development Management Policies DPD, and Policy D3 of the London Plan, which specifically require development proposals to be designed to allow for adequate sunlight and outlook for adjoining occupiers. As a material consideration, the development would also be contrary to guidance in the Residential Design Guidance SPD and the Sustainable Design and Construction SPD (2016), whereby schemes should take into account levels of sunlight, and with reasonable outlook achieved including not appearing overbearing or unduly dominant.

Biodiversity

14. A reason for refusal was imposed due to a lack of biodiversity information submitted at planning application stage. The proposed scheme now has a Preliminary Ecological Appraisal produced by an Ecological Consultant. This identifies that the proposed works would not be detrimental to the ecology of the site, and thus I am satisfied that there would be no harmful impact to protected species or wildlife. The appraisal further suggests a site ecological enhancement plan to result in a policy compliant net biodiversity gain, including nesting boxes, landscaping, and mitigation of the effects of external artificial lighting. This could be secured through the imposition of relevant conditions. In conclusion therefore, I find that the development would not result in harm to biodiversity, and in this respect it would comply with policies DM01 and DM16 of the Development Management Policies DPD, and Policy G6 of the London Plan, in relation to providing an appropriate level of new habitat and in contributing to secure net biodiversity gain.

Other Matters

15. I accept that the intensification of the site would make a better use of land and contribute to housing supply targets, however, the net benefit of 3 units is minimal and therefore this is only a very minor benefit.
16. I also acknowledge the appellant's suggested benefits of providing brand new dwellings, including being cheaper to maintain, better thermal efficiency and the use of solar energy, better accessibility, cycle storage and parking, more attractive bin storage, and good living conditions for new occupiers. However, I find that these are minor benefits which do not outweigh the harm identified above.

Conclusion

17. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR