



Appeal Decision

Site visit made on 22 September 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/N5090/W/22/3296382

18B Tithe Close, Mill Hill, London NW7 2QD

- 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 Venus 14 Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/6618/FUL, dated 16 December 2021, was refused by notice dated 14 February 2022.
 - The development proposed is demolition of existing garage and erection of single dwellinghouse with off-street parking provision.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area; and
 - The effect of the proposed development upon the living conditions of the occupiers of 19 and 20 Tithe Close.

Reasons

Character and appearance

3. Tithe Close is a residential street comprising of two character areas. One part of the street contains older properties, which are large and traditionally designed semi-detached houses. In most, but not all cases, the main roof is hipped. Some houses have a projecting feature gable above a first floor bay window. There is a mixture of materials utilised within the elevations of the houses but painted render and pebble dash are common.
4. At one end of Tithe Close there is an access spur which serves houses of a different character. The houses off this spur have been more recently built, though they are also quite traditional in design. At this end of Tithe Close there is a mixture of house types including detached houses. Brick is the predominant material utilised within the elevations here. Each of the properties in this part of Tithe Close have either a hipped roof or a combination of a hipped roof with feature projecting gable.
5. Despite the difference between the character areas being marked, there is some commonality in some design elements, including the roofscape, which

- provides some unity to the street as a whole. Within each character area, houses are similar in height.
6. Partly owing to the position of the rear gardens of Nos 18, 19 and 20, there is a larger gap between these houses and that at No 18b than exists between many of the other houses on Tithe Close. The land on which the dwelling would be sited, contains an existing garage, driveway and garden and thereby currently serves an ancillary function to the house in much the same way as other land at nearby plots. Although No 18b is served by one of the larger gardens in this part of Tithe Close, it is not so large that it is uncharacteristic. The garden also noticeably narrows.
 7. The proposed dwelling would be unconventional in this context, designed to fit the tapering site and avoid, as much as possible, adverse effects on neighbouring occupiers. It would be recessed considerably behind the frontages of the neighbouring dwellings and in turn appear out of place next to them. It would be of far greater scale and mass than the garage it would replace and the garage which would remain next to it. At the same time, the dwelling would be considerably lower in height than the other dwellings on Tithe Close. Whilst I accept this would provide subservience, the contrast between the scale of the proposed dwelling, the taller houses and the smaller scale of the garages would be visually awkward.
 8. Though a single storey element of the proposed dwelling would incorporate a hipped parapet, the roof of the dominant two storey element would incorporate a pitched gable addressing the highway without a hipped profile. This would be unlike the prevailing character of the street where hipped roofs are a foremost feature. The dissimilarity of the roof design to that of the neighbouring dwellings would be unsympathetic and harmful.
 9. The proposed dwelling would include detailed design elements and use of materials which would exhibit high quality and be more reflective of the character of the street. The design of the development may also follow best practice guidance in some regards, however, these characteristics of the development of more merit are insufficient to ensure that the appearance of the dwelling would be appropriate overall and, in turn, overcome my concern.
 10. Although Policy D3 of the London Plan, 2021 (LP) does encourage appropriate incremental densification, this should not be at the expense of acceptable design and, for the above reasons, the effects upon the character and appearance of the area in this case would be unacceptable.
 11. As a result, the development would be contrary to Policy D3 of the LP, Policy CS5 of the Barnet Core Strategy Development Plan Document, 2012 (CS) and Policy DM01 of the Barnet Development Management Policies Development Plan Document, 2012 (DMP). I also find that the development would be in conflict with the Residential Design Guidance Supplementary Planning Document, 2016 (Residential Design SPD). In summary, and amongst other things, those policies and provisions seek to ensure that developments respect local context and distinctiveness including the appearance, scale, mass, height and pattern of surrounding buildings and streets. The Sustainable Design and Construction Supplementary Planning Document, 2016 (Sustainable Design SPD) contains some prescriptive advice on a range of design and construction related matters but I find that these are largely irrelevant to the specific harm I

have identified and therefore I find the development would not be in conflict with its content.

Living conditions

12. The houses on Tithe Close are generally set within spacious plots and, in many instances, their gardens abut other gardens which helps ensure that houses are well spaced apart. The rear gardens of both Nos 19 and 20 are quite long. Single storey garages are adjacent to the plot boundaries of these properties, but no dwelling abuts their rear garden boundary. Set behind these rear gardens and set off the boundary is the dwelling at No 18b, its hipped roof gradually sloping away from Nos 19 and 20 as it heightens. For these reasons the occupiers of Nos 19 and 20 will benefit from good levels of outlook from their rear elevation windows and rear gardens.
13. The side elevation of the proposed dwelling would run along the entirety of the common boundary with No 19. The two storey element of the dwelling would, for the most part, be set off this boundary but, nevertheless, it remains close to it. The proposed dwelling is lower than neighbouring houses and the design of the roof means that it slopes away from No 19 up to the ridge point. I also note that the height of the dwelling appears to have been reduced from previous renditions of the development. Nevertheless, it would still be a significantly sized building and far larger than the existing garage it would replace. Due to its size, its proximity to the garden and rear elevation of No 19, and, given it would run alongside the entirety of the common boundary, the proposed dwelling would create a harmful dominating effect. The development would unacceptably reduce the levels of outlook presently available to the occupiers of No 19.
14. The side elevation of the proposed dwelling would be sited farther from the rear elevation of No 20 than would be the case with No 19. The house at No 20 is set on an angle and resultantly its rear elevation is directed, albeit gently, away from the proposed development. The single storey section of the proposed dwelling would run along the common boundary with No 20 but not for its entirety whilst the two storey element would not run alongside the boundary at all. Collectively, these factors limit the effects of the mass of the development upon the occupiers of No 20 and, accordingly, the living conditions of the occupiers of that property would be acceptably preserved.
15. I note the comparisons made between property relationships considered at the appeal for the expansion of Tithe Close and those in this case. A considerable period of time has elapsed since that appeal and planning policies in force now differ from then. I do not have the full detail before me of the content of the policies which informed that previous decision. Given the passage of time since that appeal, I also cannot be certain as to whether the houses or plots at Watford Way remain largely unchanged or are materially different from when that Inspector made their assessment. Furthermore, I must consider this case on its own merits. As a result, in making my Decision, I give little weight to the findings of the previous appeal.
16. There would be no windows within the side elevation of the proposed dwelling and therefore the gardens of Nos 19 and 20 would not be overlooked. The development may also maintain acceptable levels of daylight and sunlight for those properties and there may well be no harm to the living conditions of the occupiers of No 18b. However, that the development may not cause harmful

effects upon some living conditions would not overcome that there would be harm caused to the occupiers of No 19 through the creation of a dominating feature and consequential loss of outlook.

17. Due to the harmful effects identified upon the occupiers of No 19, the development would be contrary to Policy D3 of the LP, Policy CS5 of the CS and Policy DM01 of the DMP. I also find that the development would be in conflict with the Residential Design SPD and Sustainable Design SPD. In summary, and amongst other things, those policies and provisions seek to ensure that development allows for adequate outlook for neighbouring occupiers, protects and enhances the gardens of residential properties and delivers sustainable design.

Other Matters

18. The development would make a contribution to housing supply, however, in providing only a single dwelling, this contribution would be very modest and therefore, I attribute only limited weight to this benefit.

Conclusion

19. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Jones

INSPECTOR