



Appeal Decision

Site visit made on 7 November 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/N5090/D/22/3303637

The Mews Cottage, 20 and a Half Oakleigh Park South, Whetstone N20 9JU

- 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 Shah against the decision of the London Borough of Barnet.
 - The application Ref 22/1250/HSE, dated 9 March 2022, was refused by notice dated 4 May 2022.
 - The development proposed is described as an additional floor and new roof.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the appeal process, the appellant has included an Outlook Study Plan¹ and an Overlooking Study Plan² in order to accompany their Statement of Case (SoC) and provide further information to Reason for Refusal No.2. The plans do not change the nature of the proposal and when judging this information in accordance with the 'Wheatcroft principles'³, I see no prejudice towards either party in accepting these plans and will base my decision upon it.

Main Issues

3. The Main Issues are the effect of the proposed development upon:
 - The character and appearance of the existing building, including the surrounding locality; and
 - The living conditions of existing occupiers at No.20 Oakleigh Park and future occupiers of the proposed development, with particular regard to privacy and outlook.

Reasons

Character and Appearance

4. The appeal site is located along Oakleigh Park South Road, a residential road that forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to have been constructed in phases with collections of large detached properties from the late nineteenth century and infill development from the mid-twentieth century. The local area is largely suburban and predominantly contains large detached dwellings with setbacks

¹ Drawing No. SK-24, Dated March 2022

² Drawing No. SK-25, Dated March 2022

³ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

to front gardens with large rear gardens and gaps between dwellings. The dwellings appear to have been completed in phases with earlier arts and crafts style dwellings located towards Oakleigh Road North and the western side of Oakleigh Park South Road as it approaches Oakleigh Avenue. Whilst the dwellings share elements of decorative and high status, their appearance and design is generally varied. The earlier properties along Oakleigh Park South have a prominence in their design which increases their status within the street with large chimney stacks, decorative eaves, lintels and the use of traditional materials such as timber, slate and stone.

5. Over the decades Oakleigh Park South has had a number of infill developments, predominantly towards the mid and late twentieth century, but have maintained the large detached dwellings with a mixed design and character which was also evident in the earlier development. There are a variety of roof forms which range from hipped to gable with some of the more modern developments having front gable protrusions. Vegetation has a dominant influence upon the street scene where vegetated front gardens and glimpses to vegetation to the rear through gaps in between buildings reinforce the qualities which make up local character and distinctiveness. Additionally, the topography of the road is also part of the characteristics of the area with Oakleigh Park South Road having a gradient that falls from north to south.
6. The appeal site is experienced as part of a historic building at No.20 Oakleigh Park South which has since been subdivided into apartments, however represents one of the earlier high status buildings along Oakleigh Park Road which is prominent within the street scene and a positive contribution to the local distinctiveness of the locality. This building appears to date from the late nineteenth century, is three storeys tall with a steep hipped roof and accommodation within its roof space in an L-shaped footprint with hipped slate roof with large chimney stacks, corbelled eaves, string coursing and large brick feature dormers to the roof. The appeal site at No.20 and a Half appears to have been the stable block to the main dwelling at No.20 and as a result has a much more subservient appearance being two and a half stories tall, with a less ornate brick dormer and more simpler detailing which relates to its lower status and more functional use. Whilst subdivided, both No.20 and the appeal site still present as a collective group of buildings which illustrate its architectural authenticity and integrity with the historic form and functioning of buildings within this locality.
7. In undertaking extensions and alterations to existing buildings, the London Borough of Barnet Local Plan Core Strategy (CS) Policy CS5 seeks to ensure that redevelopment delivers a high quality design by respecting local context and distinctive local character. The London Borough of Barnet Development Management Policies (DMP) Policy DM01 seeks to encourage development that provides positive characteristics such as understanding context, be high quality in design, form, scale, layout and the spaces around them, amongst others. These policies are supported by the Residential Design Guidance Supplementary Planning Document (RDG) which offers guidance on specific elements of designing new schemes and alterations, taking into account context and character, amongst others.
8. The RDG suggests that extensions need to be undertaken with care and that existing roof form should reflect the roof form of the existing dwelling, fitting in with the existing architectural style, and not conflicting with existing

architectural features, amongst others. The proposed additional storey would increase the eave height of the appeal building so that it was in line with the existing main building at No.20 Oakleigh Park South. Whilst the roof form would match No.20, the increased height of the roof would remove the subservience of the appeal building and elevate its status above its current functional and subservient historic relationship as a secondary and functional building to the host building. Additionally, the increased massing and visual bulk provided by the proposed additional storey would not present as a subservient addition. The harm caused to the character and appearance of the building and the locality is also exacerbated by the loss of the functional and plainer dormer window which would be upgraded in design to match the status of the main building and the resultant loss of characteristic features such as chimney stacks would further the harm caused. These elements together would cause detriment to the appeal building's architectural authenticity and integrity.

9. I note that the appellant in their Statement of Case (SoC) refers to a plan⁴ which illustrate a fall-back position where the existing building could have a hip-to-gable roof extension. Whilst I don't dispute the opinion of the appellant that this could be undertaken, and would also be detrimental to the existing roof form and with the removal of chimney stacks, I disagree that this alteration would be similar or as detrimental as the proposed addition of another storey. As such, the fall-back position presented is not similar to the scheme that is proposed and would not provide justification for the appropriateness of the appeal scheme.
10. Consequently, and in conclusion of this matter the proposal would be detrimental to the architectural authenticity and integrity of the existing building which would be incongruous towards the existing building, its relationship with No.20 and the character and appearance of the greater locality. The proposed scheme would therefore be contrary to CS Policy CS5 and DMP Policy DM01 which are supported by the RDG, as discussed previously.

Living Conditions

11. With regards to living conditions, the main concerns expressed from the Council relate to the windows at the rear of No.20 and also to the side façade of No.20. The appellant has submitted further detail to the windows at the rear in that on first and second level that the existing windows provide access to a narrow galley kitchen. Whilst kitchens can represent habitable accommodation if they are large enough to cater for a seating area, I agree with the Appellant that these rooms do not appear large enough to cater for sitting/dining and therefore would not meet the definition of being habitable. As such in these instances I do not agree that the proposed scheme would cause adverse detriment as a result of loss of outlook or overlooking towards the windows located at the rear of No.20.
12. Turning to the windows at the side elevation of No.20, according to the plans submitted with the appellant's SoC, the main habitable rooms which may be affected are labelled (I) Bedroom window at first floor; and (H) bedroom window at second floor. Whilst the windows are not directly overlooking each other and would still afford some outlook to both proposed and existing windows, given the proximity of the proposed windows of the appeal building

⁴ Appendix 4 – Elevations/Section Existing and Proposed Drawing No.SK-05, Dated March 2022

to the side habitable windows of No.20; the angle is not so oblique and as a result would likely result in the ability to overlook between existing and proposed occupiers with a real perception of overlooking. Whilst I appreciate comments in the appellant's SoC that the proposed front windows could be obscurely glazed, this would not present a satisfactory appearance on this main facade of the appeal building.

13. I also note comments regarding to the fall back position as previously discussed, and whilst I agree that some elements would be similar in terms of overlooking on the 1st level, the additional height as proposed in the appeal scheme would also impact the second floor windows, meaning that there was a greater impact caused by the proposal as to the fall back position. As such, the fall-back position is not similar and would not justify the acceptability of this proposal.
14. Taking the above into account and in conclusion of this matter, whilst I disagree that there would be adverse detriment caused to living conditions regarding outlook or overlooking towards the rear windows; the proposed scheme would cause adverse detriment to living conditions as a result of overlooking from the side windows of No.20 to the proposed windows of the appeal building. Consequently, the proposal would be contrary to DMP Policy DM01 (which seeks that development be designed to allow for adequate daylight, privacy and outlook), which is supported by the RDG as described previously.
15. I note that LP Policy CS5 is mentioned in the reason for refusal regarding amenity, however this policy appears to be related to character and appearance and is not relevant to an assessment of living conditions.

Conclusion

16. Taking the above into account, whilst I have agreed with the appellant with regards to elements of overlooking and outlook, when taken as a whole, this would not be sufficient to overcome harm caused as a result of character and appearance and overlooking. I therefore conclude the appeal is dismissed.

J Somers
INSPECTOR