

Appeal Decision

Site visit undertaken on 7 November 2022

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

an Inspector appointed by the Secretary of State

Decision Date: 9 December 2022

Appeal Ref: APP/N5090/W/22/3300595

131 Woodville Road, New Barnet EN5 5NS

- 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 Mark Warren against the decision of the London Borough of Barnet.
 - The application, ref: 21/5070/FUL, dated 17 September 2021, was refused by notice dated 16 December 2021.
 - The development proposed is described as a residential dwelling with detached garage.
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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 appeal site and the locality;
 - The effect of the proposed development upon the living conditions of future occupiers, with regards to privacy; and
 - The provision and design of private garden space.

Reasons

Character and Appearance

3. The immediate area around the appeal site consists of a variance of styles in distinct phases of development. It would appear that the original dwellings of the area were large detached Victorian and Edwardian dwellings situated in spacious plots, some of which still exist along The Crescent and Hadley Road. The scale, massing, spacing and design are some of the elements which emphasise status and affluence of these dwellings which are situated amongst well vegetated surrounds with setbacks to boundaries. During the mid twentieth century a large amount of infill development appears to have occurred, with dwellings extending Latimer Road and subdividing the appeal site into a semi-detached dwelling with further development of two storey dwellings along Woodville Road. Despite this, there is an emphasis of spaciousness in and around plots with vegetated setbacks which together with mature vegetation and street trees give a spacious, leafy and distinctive

character. Whilst there are single storey extensions located along boundaries along Woodville Road, visual gaps are characteristic at first floor level where tops of trees in rear gardens can be experienced.

4. The appeal site is located on the corner of Woodville Road and Latimer Roads and displays a number of positive qualities to the character of the area. The existing building on the plot (No.131 and Orleans), whilst subdivided into a semi-detached dwelling appears to have been one dwelling set amongst large gardens. The building itself has more of an Edwardian inspired design with arts and crafts elements, and contains a main gable fronting Woodville Road with pebbledash to the first floor and red brick to the ground floor with large chimney stacks and well vegetated gardens. No.131 and Orleans has a larger setback from the neighbouring infill dwellings along Woodville Road. Vehicular parking to the appeal site is provided by a detached garage situated along Woodville Road where the garage building is in line with the dwellings along Woodville Road and is the subject site of this appeal.
5. In undertaking development, 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 pattern of development and character, amongst others.
6. The proposed dwelling would be positioned in a similar position to the garage with the dwelling having a two storey element against the shared boundary with No.127 Woodville Road. Whilst I agree with the appellant's Statement of Case regarding the existing built form of the garage expanding the width of the plot, there is still a substantial area at first floor level that provides an important open experience and provides a visual break from the early Edwardian building to the new infill development along Woodville Road. The proposal would essentially erode much of the remaining space and perception of large grounds surrounding No.131 Woodville Road which is harmful to the appearance of this dwelling in the remaining spacious grounds.
7. Whilst the built form along Woodville Road contains smaller setbacks than the historic Edwardian development which No.131 and Orleans form a part of, there is still an emphasis on setbacks from side boundaries with visual gaps being characteristic of the area and in this particular case accentuating the status of this historic building. The two storey boundary wall along the boundary with No.127 would be uncharacteristic and together with the taller roof form to give another storey of accommodation gives a top-heavy appearance. I can appreciate attempts to follow the topography of the street, however the resultant dwelling due to its positioning, overall height and lack of setback would appear quite cramped within the plot and cause harm to the character and appearance of the locality and the existing plot.

8. Taken as a whole, the cramped appearance, massing and loss of spaciousness of the proposed dwelling would cause unacceptable detriment towards the character and appearance of the locality and the existing plot. Consequently, and in conclusion of this matter the proposal would be contrary to the DMP Policy DM01, and CS Policy CS5, which is supported by the RDG as described previously.

Living Conditions

9. The proposed dwelling would contain windows to the ground and first floor levels and also windows to the rear of a proposed box dormer situated to the rear of the proposed roof slope. The main overlooking opportunities exist between the rear windows of the proposed dwelling on ground, floor and roof levels and a large window to the south elevation of No.131. According to the Council's calculations the windows would be sited approximately 5-6 metres away from each other. I can appreciate that overlooking would be from a more oblique angle than direct, however would appear to be enough of an angle to gain enough views for the perception of overlooking to be invasive. I can appreciate the comments from the appellant that bedrooms are not used as frequently as living rooms, however the assessment regarding acceptability against policy is regarding to habitable rooms rather than their frequency of use and as such all habitable rooms are treated equally in planning determinations.
10. I note commentary in the appellant's Statement of Case (SoC) with regards to the placement of a Grampian condition which would obscurely glaze this south facing window of No.131 as this window in the opinion of the appellant is 'secondary.' I do not have the same opinion that this south facing window is secondary given that it is a feature window on the south facing façade; it will have the most access to light being south facing and would be approximately two to three times larger than the window on the east façade of this room, which in my opinion is the secondary window. The south facing window is in my opinion the primary window and whilst I have no evidence before me that would demonstrate that there is sufficient light entering this room, the loss of outlook from the room together with the opaque glazing of this feature window would not be satisfactory. If it is for these reasons that a Grampian condition would not be appropriate in this circumstance.
11. I also note concerns from the Council with regards to the potential for overlooking into the rear garden of Orleans which is the remaining half of No.131 Woodville Road. Whilst there is a large hedge along this boundary, there would be direct views of the garden within close proximity particularly from 1st and second floor windows of the proposal. I note that the SPG recommends a distance of 10.5 metres to neighbouring gardens and in this situation the distance would be 8 metres. Whilst I appreciate comments relating to the vegetation along the boundary blocking some views, the vegetation is not in control of the appellant and would not sufficiently reduce the harm caused to the living conditions of the neighbouring residents from overlooking and lack of privacy.
12. Taking the above into account and in conclusion of this matter, the proposed scheme would result in harm to the living conditions of future and existing occupiers by reasons of overlooking and loss of privacy. The scheme would

therefore be contrary to DMP Policy DM01 (which seeks that development be designed to allow for adequate daylight, privacy and outlook), DMP Policy DM02 (which seeks to ensure development is made in accordance with development standards with regards to outlook, privacy and overlooking, such as those presented by the RDG and Sustainable Design and Construction Supplementary Planning Document (SPD)).

13. I note that LP Policy CS5 is mentioned in the reason for refusal regarding living conditions, however this policy appears to be related to character and appearance and is not relevant to an assessment of living conditions.

Provision and design of outdoor space

14. As part of the design of private garden space, an assessment of size and useability is required. The SPD recommends that for a house of this size that the provision of 55Sqm of amenity space is considered acceptable which this proposal complies with as well as being an appropriate shape that would facilitate use of the private garden space. However, the concern regarding the proposed garden space is the level of overlooking given that the main feature window of the southern façade of No.131 is only a short distance away. Future residents of the proposed dwelling in this environment would feel quite exposed given that there are direct views over the rear garden from these first floor windows of No.131. For reasons previously discussed, the use of a Grampian condition would not be appropriate in order to resolve matters of overlooking and lack of privacy.
15. Whilst the garden size and layout is adequate, the perception of overlooking and lack of privacy results in the useability and design of the private garden space being inappropriate. The scheme would therefore be contrary to DMP Policy DM01 (which seeks that development be designed to allow for adequate daylight, privacy and outlook), DMP Policy DM02 (which seeks to ensure development is made in accordance with development standards with regards to outlook, privacy and overlooking, such as those presented by the RDG and Sustainable Design and Construction Supplementary Planning Document (SPD)). I note that LP Policy CS5 is mentioned in the reason for refusal regarding living conditions, however this policy appears to be related to character and appearance and is not relevant to an assessment of living conditions.

Other Matters

16. I note comments from interested parties with regards to parking congestion caused by the development, pressure to prune large trees; and the reduction of daylight. Given that the appeal has failed on a number of grounds, it has not been necessary to investigate these matters further, which I also note that the Council did assess these matters and found them not to be harmful enough to cite them in the reasons for refusal.

Conclusion

17. For the reasons given above the appeal is dismissed.

J Somers

INSPECTOR