



Appeal Decision

Site visit made on 6 December 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/N5090/W/22/3304376

67 Chesterfield Road, Barnet EN5 2RE

- 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 C Foux of Capital Developments Group against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/0181/FUL, dated 14 January 2022, was refused by notice dated 10 March 2022.
 - The development proposed is the erection of a 4-bed attached house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 4-bed attached house at 67 Chesterfield Road, Barnet EN5 2RE in accordance with the terms of the application, Ref 22/0181/FUL, dated 14 January 2022, subject to the conditions in the attached schedule.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Chesterfield Road is in a mature suburban residential area. The street comprises a mix of primarily semi-detached and terraced two-storey houses which vary in age, design, size and appearance; however, hipped roofs tend to dominate the roofscape. The variety in built form along Chesterfield Road provides visual interest in the street and distinguishes it from the more uniform appearance of housing along other streets fronting the nearby large grassed open space. Apart from the older terrace opposite the appeal site, most houses are set back a similar distance from the highway to provide short front gardens, some bounded by low well-maintained hedges, but many being open and given over to car parking.
4. The semi-detached houses in the short stretch of Chesterfield Road running from the appeal site to the junction with Eleanor Gardens are tightly packed, having narrow gaps between blocks. The buildings are generally similar in appearance but show variety in their front elevations. Dormer extensions have substantially modified some of the original hipped roofs.
5. The appeal site comprises a substantial gap between 65 Chesterfield Road and No 67 which is open and largely paved providing vehicular access and parking space to the front of two detached garages. Representations raise concern about the removal of trees and shrubs on the site, and I saw that vegetation in

the front garden had been substantially cut-back. However, open front gardens with little vegetation other than some boundary hedges are common in this section of the street and the Council raise no concerns in respect of this matter.

6. This gap appears unusual in an otherwise compact built-up frontage. The site is wide enough to accommodate the proposed dwelling which would be commensurate in its proportions and built footprint to other houses in this section of the street. A smaller gap would be created between the side wall of No 65 and the proposed dwelling and this would be more characteristic of others in this section of the street.
7. The proposed dwelling would include a hipped roof continuing over a two-storey projection beyond the main rear wall of No 67. This would be consistent with the dominant roofscape in the area. The depth of the proposal would align with that of No 67 which has an existing two-storey flat roofed extension projecting beyond the main rear wall of that house. In these respects, the scale of the structure would be similar to No 67. The long rear garden would be retained at No 67, and a similar sized rear garden would be created for the proposed house. In these respects, the size of the proposed house would fit comfortably within the site while allowing ample private garden space.
8. Given the variety in size, design and appearance of houses in Chesterfield Road, and the layout of houses in the immediate vicinity of the appeal site, notwithstanding the resultant short terrace that would be created by the addition of the proposal attaching to No 67, this would not appear as an unbalanced development, nor would it be out of keeping in the street.
9. The proposal would create a new dwelling of an appropriate size and design in a position which would not cause harm to the character and appearance of the area. Therefore, subject to the conditions I have imposed, it would accord with Policy D3 of The London Plan (March 2021), Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012). These collectively and in summary require the layout, orientation, scale, appearance and shape of the proposal to respect its local context, respond positively to local distinctiveness having due regard to the forms and proportions of dwellings in the vicinity, and to preserve local character. It also accords with the Barnet London Borough Local Plan Supplementary Planning Document: Residential Design Guidance (October 2016) and the Barnet London Borough Local Plan Supplementary Planning Document: Sustainable Design and Construction (October 2016) which provide further guidance to be considered in the design of new houses.

Other Matters

10. Representations express concerns about the effect of the proposal on neighbours' living conditions, principally at No 65 in respect of privacy, daylight and sunlight. Whilst these are not matters in dispute between the main parties, I am satisfied that, notwithstanding a small difference in ground levels, the appeal site being marginally higher than ground levels at No 65, significant harm would not arise in respect of any of these matters. Reasonable separation would remain between No 65 and the proposed dwelling; a tall solid boundary fence to the side boundary of No 65 largely prevents views to and from the appeal site at ground floor and it would limit intervisibility between existing and proposed ground floor windows; the windows at first floor in the side elevation

of No 65 are either obscure glazed or serve a landing; and the orientation of buildings would prevent any significant alteration to daylight and sunlight reaching rooms in No 65. Views from windows in the rear elevation of the proposed house would be at an oblique angle to neighbouring gardens and this would not be harmful to privacy.

11. Concerns have been raised about car parking in the vicinity, and noise and disturbance during construction. It is inevitable that some disruption arises during building works, but this would be for a relatively short period for the scale of development proposed. The Council confirms these matters are not in dispute and that planning conditions can address the need for adequate car parking arrangements to be put in place to serve the proposed dwelling and No 67, and that conditions can adequately control noise and disturbance arising from building works.
12. The Planning Practice Guidance confirms that the impact of development on the value of neighbouring property is not a material consideration. This, and any effect on property related taxes, are not matters to which I can have regard.
13. Existing damage to public highways and other decisions made by the Council are not relevant to the determination of the appeal before me. I have not been given any substantive evidence that the appeal proposal would be likely to result in damage to public assets or private property and, in any event, the resolution to such circumstances, were they to arise, would be a matter between the affected parties.

Conditions

14. I have had regard to the conditions suggested by the Council and have made minor modifications to some. I have imposed a standard condition specifying the timeframe for the commencement of development. In the interests of certainty, a condition specifies the plans approved through this appeal.
15. Conditions requiring submission and approval of external finishes, means of enclosure, details of enclosed refuse storage areas, and the implementation and maintenance of an approved landscaping scheme are necessary to protect the character and appearance of the area. Cycle storage facilities are necessary to support the promotion of cycling as a means of transport and I have imposed an appropriate condition to secure these. A condition is necessary to ensure appropriate car parking spaces are made available prior to occupation of the proposed house.
16. Conditions limiting working hours and the submission of, and adherence to a Construction Method Statement are necessary to protect neighbours' living conditions. Conditions are necessary to encourage the efficient use of water and to secure energy efficiency measures in the interests of promoting the prudent use of resources. A condition to secure an accessible development is necessary to provide reasonable living conditions and ease of movement for future occupiers and their visitors. However, I have not been provided with all of the development plan policies the Council refer to in these regards. I have therefore simplified those conditions, each of which will achieve the intentions set out by the Council.
17. A condition preventing the use of the roof of the first-floor projection as a sitting out area is necessary to protect the privacy of neighbours. However, I

am not convinced that the widescale removal of permitted development rights would be reasonable or justified, and no specific justification has been provided regarding the necessity for such a condition in every respect. I am also satisfied that requiring details of finished floor and land levels is not necessary because the approved plans provide sufficient detail including the relative finished height of the proposed house whose roof ridge would follow the existing roof ridge to No 67.

Conclusion

18. For the above reasons, having regard to the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

David English

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawing No 511521-1 Rev. A Existing and Proposed Site Plans; and Drawing No 511521-2 Rev. A Existing and Proposed Plans and Elevations.
3. No development shall take place above ground level until details of the materials to be used in the construction of the external surfaces of the house hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. Notwithstanding details shown on the approved plans, no development shall take place above ground level until a plan and details indicating the positions, design, materials and type of boundary treatments to be erected, including to the front of 67 Chesterfield Road, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out before first occupation and retained thereafter.
5. The dwelling hereby permitted shall not be occupied until refuse storage areas, including at 67 Chesterfield Road, have been constructed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The approved scheme shall be retained thereafter.
6. No development shall take place above ground level until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
8. The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with details which shall first have been submitted to and approved in writing by the local planning authority for four bicycles to be parked securely. That space shall thereafter be kept available for the parking of bicycles.
9. Notwithstanding details shown on the approved plans, the dwelling hereby permitted shall not be occupied until space for car parking has been laid out within the site, including at 67 Chesterfield Road, and completed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. Those spaces shall thereafter be kept available at all times for the parking of vehicles.
10. Demolition or construction works shall take place only between 08:00 and 18:00 Mondays to Friday, 08:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) the methods for controlling noise and vibration.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

12. The dwelling hereby permitted shall not be occupied unless the water efficiency Optional Requirement of Part G2 of the Building Regulations have been complied with. The measures implemented shall be retained thereafter.

13. The dwelling hereby permitted shall not be occupied until the relevant requirements of level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Homes have been met and the details of compliance provided to the local planning authority.

14. The dwelling hereby permitted shall not be occupied until the accessibility Optional Requirement of Part M4(2) of the Building Regulations have been complied with. The measures implemented shall be retained thereafter.

15. The roof area of the single storey projection to the rear of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area.