



Appeal Decision

Site visit made on 29 November 2022

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2023

Appeal Ref: APP/N5090/W/22/3304714

145 Arlington Road, Southgate, London N14 5BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Andrzej Wojcik against the decision of London Borough of Barnet.
 - The application Ref 22/0393/FUL, dated 25 January 2022, was refused by notice dated 18 May 2022.
 - The development proposed is single storey 3-bedroom dwelling with a south facing garden to the south of the property. Parking for 2 cars.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey 3-bedroom dwelling with south facing garden to the south of the property. Parking for 2 cars at 145 Arlington Road, Southgate, London N14 5BA in accordance with the terms of the application, Ref 22/0393/FUL, dated 25 January 2022, subject to the following conditions set out on the attached schedule.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - Whether the proposed development would provide acceptable living conditions for future occupiers, in relation to outlook and light.

Reasons

Character and appearance

3. The appeal site is situated within a residential setting located to the rear of an existing end-terraced property. The surrounding properties are largely two storey consisting of short terraces with long and narrow gardens to the rear. Whilst there is an established pattern of development, many properties have outbuildings/garages to the rear which are relatively large, and I observed on my site visit those which back onto the site serving properties along Summit Way. Consequently, the rear garden areas are not free from other forms of development.
4. The appeal site contains an unusually large plot with extensive amenity space to the rear and whilst the proposed building would have a larger footprint than those properties surrounding the site, the size of the plot is also equally large

and capable of accommodating a sizeable dwelling whilst still providing sufficient amenity spaces for the host property and proposed property. Additionally, the proposed development would be single storey siting at a lower level than nearby two storey properties but remaining in keeping with other single storey outbuildings/garages in the area. As a result, I do not find that it would appear unreasonably discordant. The basement level would also not be visible at ground level and would not therefore result in any detrimental harm having regard to the pattern of development.

5. Notwithstanding the above, the proposed development would be set a long way back from the street frontage to the rear of the existing property and at my site visit, I noted that views into the site were restricted when viewed from the main road given the setback nature and position of surrounding properties which further restrict views. On this basis, the dwelling would have very limited impact upon the street-scene.
6. The proposed development would provide an area of hardstanding to accommodate a driveway and car parking. However, a good proportion of the amenity space would still be landscaped and the plans provided show further landscaping around the hardstanding area which would further reduce any visual impact. In any event, the hardstanding area would not be highly visible in the locality given the setback position of the proposed development.
7. I conclude that the proposed development would not unacceptably harm the character and appearance of the surrounding area. As such, it would accord with Policies D3 and D4 of the London Plan, Policies CS NPPF, CS1, CS5 of the Local Plan Core Strategy, and Policy DM01 of the Local Plan Development Management Policies Development Plan Document and the Residential Design Guidance which together, amongst other things, seek to reflect the presumption in favour of sustainable development requiring development to respond to local distinctiveness and existing character of a place.

Living conditions

8. I note the Council's concern in respect of outlook and light at basement level and whilst there would be deficiencies, the dwelling would benefit from extensive habitable spaces at ground floor level where there are several large windows providing for good levels of outlook and light generally as well as good access to the amenity areas serving the property. Moreover, the proposed development would be served by a lightwell which is of a good size which would provide a level of daylight and sunlight for future occupiers.
9. As a result of this key benefit at ground floor level, I consider that overall, the dwelling would provide acceptable living conditions for future occupiers and would comply with Policy DM02 of the Local Plan Development Management Policies, the Barnet Residential Design Guidance Supplementary Planning Document (SPD) and the Barnet Sustainable Design and Construction SPD which together, amongst other things, seek to ensure a good standard of amenity is provided for future occupants of buildings.

Other Matters

10. I have reviewed all matters raised by the Council including third party representations as part of my decision and acknowledge the concern regarding more comings and goings from an increase in occupancy and increased

traffic/parking problems. However, the proposed development would provide 1 dwelling and any movements associated with a development of this size would not be likely to give rise to an unacceptable impact. Additionally, the proposed development would provide off street parking spaces which would deter on street parking. Any noise arising from a development of this size would also not be so significant to materially or harmfully impact residents in the area.

11. I appreciate the concerns regarding future construction noise/activity associated with the proposed development. Whilst I cannot control the existing situation and any works that may have taken place onsite, any future construction activity associated with the development can be controlled by a suitably worded planning condition which I have applied.
12. A number of concerns have been raised in relation to the loss of privacy, outlook and loss of light which is said to have been further exacerbated by removal of trees. Whilst I am unable to comment on previous works undertaken onsite, the proposed layout is acceptable and does not harm the amenities of neighbouring properties.
13. I note concerns regarding the future use of the property and that the proposed development may change in the future. Additionally, I note concern regarding the use of the adjacent access lane. However, a condition has been applied to ensure the proposed development is carried out in accordance with the plans. Any further application would be subject to assessment in its own right.
14. A number of concerns have also been raised in relation to financial gain and property prices. Such matters have not affected my findings on the main issues. Concern has also been raised regarding the loss of wildlife in the area. However, no compelling evidence has been provided with regard to this.

Conditions

15. I have considered the Council's suggested planning conditions in their Statement of Case and in light of the National Planning Policy Framework and Planning Practice Guidance. As a result, I have amended these where necessary for clarity.
16. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. Conditions relating to materials, landscaping, refuse bins and levels are also necessary to safeguard the visual amenities of the site and accessibility whilst making sure development is carried out at suitable levels in relation to surrounding land. Conditions relating to car and cycle parking are also necessary to ensure satisfactory provision is made. A condition relating to a Construction Management and Logistics Plan is necessary in the interests of highway safety and amenity. The suggested conditions relating to water saving and efficiency measures, carbon dioxide emissions, and construction in accordance with Building Regulations are also necessary to ensure development is sustainable and energy efficient.
17. The Council have suggested a condition requiring a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise. However, there is no clear justification for this condition having regard to the location and siting of the site and I have not, therefore applied it.

Conclusion

18. For the above reasons and having had regard to the development plan as a whole, the appeal should be allowed.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development must be begun within three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings: Location Plan – Existing 0100 revP01; Location Plan – Proposed 0200 revP03; Site Plan 0201 revP03; Site Plan Proposed 0205 revP02; Basement Plan 0209 revP04; Ground Floor Plan 0210 revP04; Roof Plan 0211 revP01; Site Plan- Proposed Access 0206 revP01; Site Plan- Draft Landscape Plan 0220 revP02; South Elevation Proposed 0230 revP03; North Elevation Proposed 0231 P02; East Elevation – Proposed 0232 revP02; West Elevation – Proposed 0233 revP02; Section AA – Proposed 0240 revP02; Section BB – Proposed 0241 revP02; Section AA Context – Proposed 0250 revP02; Section BB Context – Proposed 0251 revP02.

- 3) No development shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the materials as approved under this condition.

- 4) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

- 5) Before the development hereby permitted is first occupied, the parking spaces shown on Drawing Ground Floor Plan 0210 Rev P04 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
- 6) Before the development hereby permitted is first occupied, cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

- 7) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
 - i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;

- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

The development shall thereafter be implemented in accordance with the measures detailed within the statement.

- 8) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

- 9) Prior to the first occupation of the new dwellinghouse hereby approved it shall have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and the new dwellinghouse shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rainwater systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations. The development shall be maintained as such in perpetuity thereafter.
- 10) Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

- 11) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse permitted under this consent it shall have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.
- 12) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

End of schedule