



Appeal Decision

Site visit made on 30 January 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/N5090/W/22/3306112

Land to the Southwest of 77 Stoneyfields Lane, London HA8 9SJ

- 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 Mamed Daryabak against the decision of the London Borough of Barnet.
 - The application Ref 22/0324/FUL, dated 21 January 2022, was refused by notice dated 11 April 2022.
 - The development proposed is the erection of a two-storey building to provide a cafe/community library with associated external seating.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Appellant's description of development within the appeal form is slightly different to that on the application form. I have taken the revised description which more accurately describes the proposed development. Furthermore, I have altered the address to that used in the Council's decision notice, which more accurately describes the location of the proposal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposal on the living conditions of neighbouring occupiers with respect to noise and disturbance; and
 - The highway impacts of the proposed development in consideration of the proposed on-site parking provision and the availability of on-street parking.

Reasons

Character and appearance

4. Stoneyfields Lane is a residential street within a suburban location. Housing consists of a variety of styles including flats and houses with a combination of pitched and hipped roofs. Despite this variety, built form largely follows a regimented pattern of development, with most buildings set back from the highway a similar distance. Many include landscaping within frontages, especially within the flatted development of Rose Way, adjacent to the site.

These characteristics create a relatively open suburban character. The appeal site is a small parcel of land that is enclosed by fencing. It is adjacent to a small resident's car park that includes a footpath through to housing beyond. Although the site is enclosed by fencing this is relatively unobtrusive. Therefore, it is in keeping with the open character of the area and makes a positive contribution to the open character of the area.

5. The proposed development would include a cantilevered first floor and a recessed ground floor. This recess would provide an external space providing cover for a seating area and the entrance doors. The building would have a shallow roof, with large windows to its front, rear, and on one side. The shallow roof and large windows would create a relatively stark form of development that would form a prominent building within the street. Its design would not replicate the form of surrounding development with large, glazed portions and a box-like design, emphasised by its first-floor projection. Therefore, although recognising that the function of the building would be for community use, the proposed building would contrast with the design of existing housing and fail to strengthen the local built vernacular. The proposed use of brick would also not enable the proposal to successfully integrate with its surroundings.
6. Furthermore, the site is exposed on three sides to public view. As such, despite being partially screened by adjacent landscaping the proposal would be prominent in views of the street, located ahead of both adjacent buildings. Its overall scale, whilst similar to some local dwellings, would appear dominant in this position. The impact of the proposal would be emphasised by its bold and uncharacteristic design. Accordingly, the proposed building would be an obtrusive addition to the street that would harm the character and appearance of the area.
7. As a result, the proposal would conflict with policy D3 of the London Plan, policies CS1 and CS5 of the Barnet Core Strategy (CS) and policy DM01 of the Council's Development Plan Policies (DP). These seek, among other matters, for development to achieve the highest standards of urban design and to respect local context.

Living conditions

8. The appeal site is adjacent to the flatted development of Rose Way and 77 Stoneyfields Lane (No 77) over an access drive to a small car park. It is therefore close to existing residential properties and within a residential area. The proposed building would be used as a community facility with a café and library. The Appellant states that the facility would offer only cold food and hot drinks, limiting any odour issues that would otherwise be caused by the cooking of hot food. This would prevent the use from creating smell nuisance and could be controlled by condition had I been minded to allow the appeal.
9. The Appellant has not indicated the proposed hours of opening. The building is relatively small but submitted plans indicate that it could include seating for around 40 people. It would be close to adjacent properties. Customers would attend through the front door and make use of the rear outside seating area. The seating area is particularly close to the rear garden of No 77 and within close proximity of a number of other rear gardens. Due to this proximity, and the nature of the use, the proposal would be likely to cause noise and general disturbance and be incompatible with adjacent uses in this context. Disturbance would be likely to manifest from people arriving and leaving the

building, loitering outside the premises and making use of the seating areas, especially to the rear. These activities would create noise levels that would be difficult to manage through the imposition of conditions.

10. The site is constrained and close to existing housing. The proposal is not supported by operational details or details relating to occupancy numbers of visitors. The internal seating plan is indicative only and as such a much greater number of visitors could attend the facility than is suggested by this plan. Although recognising that the building is relatively small, I am unconvinced that conditions could be imposed that would be effective in managing the operation of the use to mitigate the anticipated adverse impacts on adjacent occupiers through noise and disturbance.
11. As such, the proposal would conflict with policies D3 and D14 of the London Plan, DP policies DM01, DM04 and DM13 and the Framework. These policies seek, *inter alia*, for new community uses to protect the amenity of residential properties and to promote a high standard of amenity for existing users.

highway safety

12. The site is within an area with limited access to public transport and scores a Public Transport Accessibility Level of 2 (low). Although the facility would be targeted at customers attending from within walking distance, this could not be guaranteed and could be attended by a wide catchment base, attracting a large proportion of car borne users. As such, whilst envisioned by the Appellant as a local facility, the evidence is unconvincing that this would be so.
13. Stoneyfields Lane is a wide residential road with unrestricted on-street parking. During my visit I noted that most residential properties have on plot parking. Despite offering only a snap-shot in time I noted that during my visit, in the daytime, that the limited on-street parking was generally available. However, the evidence suggests that parking demand during the evenings and weekends is substantially greater.
14. The proposed development would not include on-site parking. The proposed café use would require the provision of two parking spaces, the Council has not specified whether the library and community elements of the use would create their own additional parking demand. Nevertheless, the use would be dependent on on-street parking to meet its parking requirements. Based on the use, and the absence of trip generation analysis, the anticipated parking demand for the proposed café and library use of the building is undisclosed but could be significant. Furthermore, the Appellant has not submitted a parking survey to demonstrate that the parking requirements generated can be adequately accommodated on street.
15. Moreover, whilst the Appellant suggests that secure cycle parking would be provided on site it is unclear where this could be accommodated based on the size and configuration of the scheme.
16. The Appellant's offered Legal Agreement to limit the number of cars than can park on street, is not in evidence. In any event, such an objective would be unable for the Appellant to adequately control as it relates to the travel behaviour of customers. The Appellant also suggests that parking concerns could be addressed by a condition limiting occupancy. However, this approach is not supported by evidence of the number of attendees. The Appellant does

not explain how many people would need to attend to make the use viable or disclosed general capacity expectations. Furthermore, I am unconvinced that a condition limiting occupancy would be reasonable or enforceable.

17. Accordingly, due to an absence of sufficient evidence, the Appellant has not demonstrated that the proposal would operate without causing anti-social parking problems and exacerbate existing parking stress in the area harming the free-flow of local traffic. Therefore, the proposal would conflict with policies T6 and T6.5 of the London Plan, CS policies CS9 and CS15 and DP policy DM17. These seek, among other matters, for car parking provision to be delivered in line with public transport accessibility, enable traffic to move smoothly and to locate development where it can make the use of public transport attractive for all users.

Other Matters

18. The proposed development would provide a community facility. This is supported by the Framework which seeks planning decisions to provide for community facilities and other services to enhance the sustainability of communities and residential environments. The Appellant identifies that the proposal would make best use of land in accordance with policy CG2 of the London Plan. However, this policy also requires development to be well-connected by public transport and be design led, objectives that the proposal would not satisfy. Therefore, despite the benefits of providing a community facility, this attracts only limited weight in favour of the proposal.

Conclusion

19. The proposal would conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Ben Plenty

INSPECTOR