



Appeal Decision

Site visit made on 14 February 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2023

Appeal Ref: APP/N5090/W/22/3308021

46 Mays Lane, Underhill, Barnet EN5 2EE

- 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 Shaheen Fani & Visha Patel against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/3361/FUL, dated 27 June 2022, was refused by notice dated 1 September 2022.
 - The development proposed is the erection of a single storey house with a basement and associated amenity space. Change in garden levels for the existing house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey house with a basement and associated amenity space, and change in garden levels for the existing house, at 46 Mays Lane, Underhill, Barnet EN5 2EE in accordance with the terms of the application, Ref 22/3361/FUL, dated 27 June 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I note that Barnet's Draft Local Plan has been submitted for examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. However, I am not aware of the exact stage it has reached, the extent of unresolved objections or whether its policies will be considered as consistent with the National Planning Policy Framework (the Framework). Consequently, in accordance with paragraph 48 of the Framework, I give it limited weight.

Main Issue

3. The main issue in this appeal is the effect of the proposed house on the character and appearance of the existing terrace of houses and surrounding area.

Reasons

4. The appeal site is a prominent, vacant plot on the corner of Mays Lane and a side street. The existing buildings on Mays Lane are predominantly residential and of varied styles. This includes traditional cottages, semi-detached dwellings and more modern flatted developments. The side street comprises a range of suburban houses in mainly traditional styles and a church behind the appeal site.

5. The existing terrace of four, 3 storey houses adjacent to the appeal site on Mays Lane is of modern, red brick appearance with a staggered building line. The roofs are part flat and part mono-pitch.
6. The proposed house would adjoin the existing terrace and be of similar width to the other four houses. Its front building line would follow and therefore respect the existing staggered pattern. Only one storey would be visible above ground, the roof would be flat, and contemporary materials would be used such as grey brick and glass. This would present a strong contrast with the existing terrace. However, the proposed house would have a clear style of its own, which I consider would complement rather than harm the integrity of that group.
7. To the rear, the proposed house would extend further back than the rest of the terrace, resulting in a smaller garden. However, when viewed from the side, the one storey above ground would be partly obscured by the proposed boundary fence. Its appearance would be further softened by the rise in levels up the side street. The sedum covering the flat roof would help it blend into views of other houses' rear gardens. This effect would also be seen when viewed down the hill from outside the church, notwithstanding the proposed change in garden levels for the existing house. Overall, I consider the proposal would add variety to the existing diverse character of its surroundings.
8. I have considered the argument that the existing openness of the corner is a distinctive feature of junctions along Mays Lane and that the proposal would detract from this. There are a variety of junction layouts along the road, many of which are less open in character than the one considered here. In any case, the low and flat profile of the proposed house would maintain a sense of openness around the appeal site and adjacent junction.
9. For the above reasons, I conclude the proposed house would not have a harmful effect on the character and appearance of the existing terrace and surrounding streets. Accordingly, I find no conflict with Policy D4 of the London Plan (LP); Policy CS5 of Barnet's Local Plan (BLP) Core Strategy (CS) Development Plan Document (DPD); Policy DM01 of the BLP Development Management Policies DPD; the BLP Residential Design Guidance Supplementary Planning Document; or the Framework. These policies require good design that respects the local pattern of development and preserves or enhances the character of surrounding buildings and streets.

Other Matters

10. It has been put to me that the rear of the proposed building would block light to the church behind the appeal site. There is little evidence this would occur. The proposed house would not abut the boundary with the church. Also, given the topography of the side street, its upper floor would be only partially above the ground level of the church. In any event, the church is a community building rather than a dwelling, so any effect would not materially affect its users.
11. Comments have been made about access, parking stress in local streets and traffic noise. Little evidence has been provided on these points. The Council has raised no issue with the proposed access arrangements, and I see no reason to disagree with this finding. Only a limited number of cars are likely to be associated with one 2 bedroom house and cycle-parking would be provided. As such, this single dwelling is unlikely to result in unacceptable levels of parking

stress or disturbance from traffic. Therefore, the residual cumulative impact of the proposed development on the road network would not be severe.

12. Concerns have been raised about a local land covenant, the risk of subsidence and the condition of the property at no. 46 Mays Lane. These are private matters between the relevant parties and not within my jurisdiction.

Conditions

13. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
14. A condition requiring approval of a Construction Management Plan (CMP) is necessary given the location of the site on a junction and the excavation of a basement. The appellant has provided written agreement to a pre-commencement condition of this nature. The details to be included in the CMP need to be proportionate to the size of the scheme, for which a number of the suggested requirements of the Council would not be necessary.
15. A condition on materials is necessary to control the appearance of the proposed house. The conditions on boundary treatments and refuse/recycling storage are necessary to protect the living conditions of the occupiers of neighbouring properties and to achieve good refuse management. A condition requiring two cycle parking spaces is necessary to promote cycling and accord with Policy T5 of the LP. The condition on optional Building Regulations requirements G2 (water efficiency) and M4(2) (accessible and adaptable dwellings) is necessary to accord with Policies SI5 and D7 of the LP.
16. The condition suggested by the Council relating to parking permits would not meet the requirements of Planning Practice Guidance¹. Exceptional circumstances for a condition limiting access to a parking permit have not been demonstrated. Neither is clear evidence provided related to the need for a condition, whether in terms of highway safety, parking stress or inconvenience to the wider neighbourhood from additional demand for parking.
17. The reason for a condition requiring carbon reduction beyond Building Regulations is not clear. On this basis, such a condition is not necessary.

Conclusion

18. For the above reasons, having had regard to the development plan as a whole, the Framework and all other matters raised, I conclude that the appeal should be allowed.

C Carpenter

INSPECTOR

¹ Paragraph: 010 Reference ID: 21a-010-20190723

Schedule of conditions

- 1) The development hereby permitted shall begin not 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: 1855/P-00 Location plan/Block plan; 1855/P-01 Site plan proposed; 1855/P-02 Basement & roof plan proposed; 1855/P-03 Proposed elevations; 1855/P-04 Elevation & section proposed; 1855/P-05 Elevations existing; and 1855/P-06 Site plan existing.
- 3) 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 approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until details of materials to be used in the external surfaces of the building and hard surfaced areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development above ground shall take place until details of means of enclosure, including boundary treatments, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first occupation and retained as such thereafter.
- 6) No development above ground shall take place until details of enclosures and screening for the storage of refuse and recycling, including the point of collection for refuse bins, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first occupation and retained as such thereafter.
- 7) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing No 1855/P-01 for 2 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 8) The dwelling shall not be occupied until Building Regulations optional requirements G2 and M4(2) have been complied with.