



Appeal Decision

Site visit made on 21 February 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 April 2023

Appeal Ref: APP/N5090/W/22/3308509

80 Golders Manor Drive, Golders Green, London NW11 9HT

- 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 A Clerk against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/3992/FUL, dated 29 July 2022, was refused by notice dated 28 September 2022.
 - The development proposed is the demolition of two existing planning units and construction of one dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of two existing planning units and construction of one dwelling at 80 Golders Manor Drive, Golders Green, London NW11 9HT in accordance with the terms of the application, Ref 22/3992/FUL, dated 29 July 2022, and the plans submitted with it, subject to the conditions in the schedule at the end of the decision.

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. 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 whether the proposed development would provide acceptable living conditions for future occupiers, with particular reference to external amenity space and outlook.

Reasons

4. The appeal site is situated on a residential street, surrounded by the gardens of houses in the streets perpendicular to it. It is currently occupied by a small house with associated external amenity space, and by a separate garage.
5. The external amenity space of the proposed house would be L-shaped. It would wrap around the front and side of the dwelling, bounded by a wall facing the street and a fence. Its area would be smaller than that recommended for rear gardens in Barnet's Local Plan (BLP) Sustainable Design and Construction Supplementary Planning Document (SDC SPD). However, the space would be

well-oriented to optimise levels of light. There are few nearby structures to cast shade. The wall and fence would provide privacy from the road and adjacent garden. Whilst relatively narrow, the shape of the space would allow areas for a variety of activities, such as sitting outside and drying washing. Given this, I consider the size and quality of the proposed space would be sufficient for the occupants of a 1- bedroom dwelling.

6. The proposed house would have four windows serving the ground floor living space, in addition to a glazed front door. These would provide an outlook on two aspects over the external space. The distance between the windows and the outer boundaries of the space would be relatively short. However, any sense of enclosure would be reduced by the light and separation from other structures noted above. In addition, the appearance of the fence and wall could be improved with planting over time. I therefore consider the outlook from the proposed house would be adequate.
7. My attention has been drawn to two previous dismissed appeals relating to this site. I note that in each case the proposal under consideration involved the development of two dwellings. Accordingly, the circumstances of those appeals are not directly comparable with those that apply in this case. I have reached my own conclusions on this appeal proposal based on the evidence before me.
8. Taking all this together, I conclude that the living conditions for future occupiers, with particular reference to external amenity space and outlook, would be acceptable. Accordingly, I find no conflict with Policies D3 and D6 of the London Plan (LP); Policies DM01 and DM02 of the BLP Development Management Policies Development Plan Document; the BLP Residential Design Guidance SPD; or the National Planning Policy Framework (the Framework). These policies seek high quality design that provides an adequate standard of accommodation for future occupiers, including in relation to external amenity space and outlook.

Other Matters

9. It has been put to me that this proposal would be out of keeping with the character of the neighbourhood. Concerns have also been raised about the impact on the outlook of neighbouring occupiers and on light to their houses and gardens. The Council has considered these issues and I see no reason to disagree with its conclusions. In terms of the effect on the privacy of neighbouring occupiers, measures to prevent overlooking from the rear upper floor window of the proposed house could be secured by condition.
10. Other comments relate to the impact on traffic, parking and the safety and security of cars left overnight in the street. Little evidence has been provided on these issues. Given only one 1- bedroom house is proposed, there would be only a limited change to parking or traffic levels. Any impact on the security of parked cars would also be small.
11. Construction would cause some disruption but this would be temporary. I note the concern about the potential destabilisation of an existing tree in a neighbour's garden. This is a private matter between the relevant parties and not within my jurisdiction.
12. I have considered the argument that the proposal would encourage others to develop their garages in a similar way. This includes the pair of garages

immediately opposite the appeal site. Circumstances vary from one site to another. Each application and appeal must be determined on its individual merits, so generalised concerns of this nature do not justify withholding permission in this case.

13. The question of whether the existing dwelling on the appeal site has planning consent is not clear. Nevertheless, this does not affect my conclusions on the main issue.

Conditions

14. 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.
15. The condition about external materials, hard surfaces and boundary treatments is necessary to integrate the appearance of the new and existing dwellings and to protect the living conditions of those occupying neighbouring properties. A condition requiring approval of soft landscaping is not necessary given the scale of the proposal.
16. The condition to require obscured glazing and restricted opening of the upper floor rear window is necessary to protect the privacy of neighbouring occupiers. A condition requiring refuse storage arrangements is necessary to achieve good refuse management. A 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. However, a condition requiring carbon reduction below Building Regulations levels is not necessary as the proposal does not meet the size threshold for this in Policy SI2 of the LP.
17. Conditions requiring approval of a Construction Logistics Plan and before and after surveys of the construction route are not necessary given the scale and location of the proposed development. A condition requiring approval of cycle storage facilities is not necessary as the proposed outside amenity space could be used for the secure storage of bikes away from the highway. Finally, justification for the wholesale removal of freedoms to carry out other small-scale alterations and extensions is not specific and precise enough to meet the tests of necessity and reasonableness.

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

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: 130303/11/PO Location Plan; 80GMD(24)A Existing Floor Plan & Elevations & Proposed Elevation; 80GMD(25)A Proposed Floor Plans & Elevation.
- 3) No development above ground shall take place until details of the materials to be used for the external surfaces of the building, hard surfaced areas and boundary treatments 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) The building/extension hereby permitted shall not be occupied until the upper floor rear window shown on plan no. 80GMD(25)A has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 5) The development hereby permitted shall not be occupied until the refuse storage arrangements shall have been constructed in accordance with details shown on submitted plan no. 80GMD(25)A.
- 6) The dwelling shall not be occupied until Building Regulations optional requirements G2 and M4(2) have been complied with.