



Appeal Decision

Site visit made on 27 March 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/N5090/W/22/3308351

89 Gallants Farm Road, East Barnet, Barnet EN4 8EP

- 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 Karol Kankowski against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/3329/FUL, dated 21 June 2022, was refused by notice dated 1 September 2022.
 - The development proposed is the demolition of an existing side garage, reduction of the rear extension at No 89 and construction of a 2 storey dwelling attached to No 89.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing side garage, reduction of the rear extension at No 89 and construction of a 2 storey dwelling attached to No 89 in accordance with the terms of the application Ref 22/3329/FUL, dated 21 June 2022, subject to the attached Schedule of Conditions.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the building and the local area.

Reasons

3. 89 Gallants Farm Road is a 2 storey semi-detached house with a 2 storey height bay at the front, sitting within a suburban neighbourhood of similar houses and a few bungalows. It has a flat roofed garage to the side, so that it is spaced well away from the next, unattached, house, No 91. The proposal is to knock down the garage and part of a rear extension so that a new house (without a projecting bay) can be attached to the side, extending the pair of semi-detached houses into a short terrace of 3 properties.
4. The proposal would leave about a metre gap to the side boundary, and more than a 2m gap to the house at No 91, so that it would not overly crowd the plot and there would be space left for light and air. Although some views through the frontage would be lost, these views are terminated by the higher level

houses on the next street anyway and are not of particular importance to local character.

5. The size, width, form, materials and detailing of the new house would reasonably match the existing houses. There are comparable rows of houses nearby, so the change to a terrace here would not look out of place in its local context. Although some symmetry would be lost, the rhythm and general appearance of the building would be maintained. The Council refers to its Residential Design Guidance Supplementary Planning Document (RDG) which says that extensions should normally be subordinate to the original house. This proposal, however, is for a whole new house rather than a domestic extension so I see no overriding need for it to be visually subordinate to the existing house.
6. I conclude that the proposal would not harm the character or the appearance of the building or the local area. It accords with the shared aims of London Plan policy D3, Barnet's Local Plan Core Strategy policies CS4 and CS5, Barnet's Local Plan Development Management Policies policy DM01, the RDG, the Sustainable Design and Construction Supplementary Planning Document and the National Planning Policy Framework (the Framework), to secure high quality design that responds to the individual character of a place and does not undermine local distinctiveness.
7. I have also considered the other matters raised by local residents, particularly in regard to the effects on neighbours' living conditions. No 91 has side windows looking towards the site. These would lose some light and outlook, but I have seen nothing to suggest that they serve habitable rooms so this is not unacceptable. Privacy at No 91 can be protected by requiring obscure glazing of the proposed side window. The houses to the rear are set above and well away from the site of the proposed house, so that overlooking would be within reasonable limits. Noise and disturbance from construction works would inevitably be somewhat intrusive in the short term, but this is not a good reason to withhold planning permission. A construction management plan including measures to control noise and dust can be required by condition.
8. Local objectors have also drawn my attention to previous refusals for a new house on a nearby corner plot at 111 Alverston Avenue. That house is in a very different situation and I have no details of those refusals. I have assessed this proposal on its own merits.
9. I have considered the conditions suggested by the Council bearing in mind the Framework and the national Planning Practice Guidance. I impose a condition specifying the relevant plans to provide certainty. There are 2 conditions which need further approvals before development can commence. The first of these requires submission of construction management details, to help avoid undue impacts on local residents during demolition and construction. The second requires an ecological survey and recommendations for any appropriate mitigation measures, to protect local biodiversity. Normally this type of survey would be required before planning permission is granted, but the Council has not asked for this and the likelihood of significant impact on biodiversity looks to be minor.
10. The use of matching materials and further information on bin enclosures and boundary treatments is necessary to protect local character and also, in the

case of fences or walls, to help promote biodiversity by using animal friendly design. Parking and access details, including levels, are needed in the interest of highway safety. The provision of cycle parking facilities and carbon dioxide emission reduction measures are required to promote sustainable travel and energy efficiency, respectively, to help address climate change. Finally, a condition requiring obscure glazing of a first floor side window is necessary to protect neighbours' privacy. I have amended the suggested wording in places, for clarity.

11. There are a few suggested conditions which I find unnecessary. Floor levels are fixed by the approved plans. I see no strong justification for removing normal permitted development rights for extensions, alterations and outbuildings here, as the relationship of the new house to its neighbours would not be unusual. The suggested conditions regarding building accessibility and future water consumption appear to duplicate controls already available through other legislation.

Conclusion

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, 89GF/PL/001, 89GF/PL/002, 89GF/PL/003, 89GF/PL/004, 89GF/PL/005 and 89GF/PL/006.
- 3) No development or site works shall be commenced 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 to 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; and
- 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 approved Demolition and Construction Management and Logistics Plan.

- 4) No development or site works (including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development) shall be commenced until an ecological survey detailing any mitigation strategy that may be necessary has been submitted to and approved in writing by the Local Planning Authority. The site clearance, demolition and any mitigation measures shall be implemented in full in accordance with approved details.
- 5) The materials to be used in the construction of the external surfaces of the new dwelling hereby permitted shall match those used in the existing dwelling.
- 6) Before the new dwelling 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 thereafter.
- 7) The new dwelling hereby permitted shall not be first occupied until means of enclosure, including boundary treatments, have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The treatment of boundaries shall be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1 No 13cm x 13cm ground level access 'hedgehog hole' between the garden of the new dwelling and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat. The approved means of enclosure shall be retained thereafter.
- 8) Before the new dwelling hereby permitted is first occupied the approved parking spaces with access crossovers shall be provided in accordance with details, including site levels and gradient, submitted to and approved in writing by the Local Planning Authority. The approved parking spaces shall thereafter be retained for the parking of vehicles in connection with the approved development.
- 9) Before the new dwelling 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 and facilities shall be retained thereafter.

- 10) Prior to the first occupation of the new dwelling 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 2013 Building Regulations. The development shall be maintained as such thereafter.
- 11) Before the new dwelling hereby permitted is first occupied the proposed window in the flank elevation shall be glazed with obscure glass only 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. The window shall be retained in this condition thereafter.