



Appeal Decision

Site visit made on 16 May 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13th June 2023

Appeal Ref: APP/N5090/W/23/3315244 106 Mays Lane, Underhill, Barnet EN5 2LL

- 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 E Aponso against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/5480/FUL, dated 9 November 2022, was refused by notice dated 6 January 2023.
 - The development proposed is the demolition of existing house and provision of 2 semi-detached 4 bedroom houses. Provision of 2 car parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: the living conditions of neighbouring occupiers at No. 82 Cedar Lawn Avenue, with regard to outlook; the living conditions of future occupiers, with regard to light and outlook; and the character and appearance of the area.

Reasons

Living Conditions – Neighbouring Occupiers

3. The site is a detached dwelling, extended to the front, side and rear. It forms part of a row of 5 properties on Mays Lane, positioned along a staggered building line between the junctions with Manor Road and Cedar Lawn Avenue, sitting perpendicular to, and sharing a boundary with, the rear gardens of properties along Cedar Lawn Avenue.
4. The proposal seeks to demolish the existing appeal property and replace it with a pair of semi detached dwellings. In doing so it would add an additional bulk of two storey built form to the site, which would be particularly noticeable from the rear garden of No. 82 Cedar Lawn Avenue to the west.
5. The appeal property runs along the rear boundary with No. 82, such that it is clearly visible to the occupiers of this dwelling from the rear garden. However, much of this comprises the rear projection of the appeal property which, while two storey in nature, has a flat roof. This provides an element of visual relief from the built form of the appeal dwelling when viewed from this location.
6. By contrast the proposal, while slightly further back from No. 82, would introduce a two storey element of built form with crown roof along the full boundary with this property. Even acknowledging the presence of surrounding

outbuildings, the additional bulk of this built form would remain prominent from the rear garden of No. 82, dominating the outlook in this direction.

7. As a result, even acknowledging the variety of surrounding house designs and forms, the proposal would create an undue sense of confinement for the residents of No. 82 in their rear garden, which would feel enclosed as a result of the scale and mass of built form proposed. This would reduce the residents' enjoyment of this space. While reference has been made to intervening trees, I observed there to be limited screening. As such, the imposing and overbearing nature of the proposal from the rear garden of No. 82 would not be softened to any notable degree.
8. For the reasons given, the proposal would result in significant adverse harm to the living conditions of residents of No. 82 Cedar Lawn Avenue, with regard to outlook. As such, it would fail to comply with Policies D3 and D6 of the London Plan 2021 (the London Plan); Policies DM01 and DM02 of the Barnet's Local Plan Development Management Policies Development Plan Document 2012 (the DMP); and the Barnet Local Plan Supplementary Planning Document Residential Design Guidance 2016 (the SPD) insofar as they seek to ensure that development is designed to allow for adequate outlook for adjacent occupiers and to maximise the useability of outdoor amenity space.

Living Conditions – Future Occupiers

9. Concerns have been raised regarding the living conditions of future occupiers with regard to light and outlook. The Council has cited the Barnet Sustainable Design & Construction Supplementary Planning Document 2016 (the SDCSPD), which advises that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and that living rooms/ kitchens should have a reasonable outlook with clear glazed windows. With the exception of the ground floor front room the Council argues that the proposal would not comply with this.
10. However, the provisions of the SDCSPD are guidance rather than policy. On the basis of the submitted information the proposal would be served by windows of dimensions to provide adequate light levels to associated rooms. The studies and living and kitchen areas would be served by sizeable windows. The main bedrooms would have two windows each, while loft rooms would benefit from both a dormer window and skylight. Although only one window would be provided at the front facing bedrooms, these would not be so constrained as to unduly impact the light reaching these spaces.
11. For similar reasons, adequate outlook would be provided. The amount and placement of fenestration in each room would ensure that the spaces would not feel enclosed. The outlook from these rooms would be typical of a residential property, looking towards rear gardens and adjacent development such that it would not unduly impact residents' enjoyment of the spaces.
12. For the reasons given, the proposal would not harm the living conditions of future residents with regard to outlook and light. As such, there would be no conflict with Policy DM02 of the DMP; the SPD; and the SDCSPD insofar as they seek to ensure adequate living conditions for future occupiers.

Character and Appearance

13. The appeal property sits in a row of 5 dwellings from 98 – 106 Mays Lane. While the others are semi-detached with a high degree of consistency in design, the appeal property is detached and notably different in appearance. Both the immediate and wider area, which is largely residential, feature a range of detached and semi-detached dwellings of varying styles.
14. The proposal would reflect the semi-detached nature of the immediately adjacent properties and staggered front and rear building lines along this group of dwellings would be retained. While it increases the current footprint and introduces an additional bulk of two storey built form at a greater depth than Nos. 98-104 Mays Lane, it would be of a comparable width to the immediate neighbours on Mays Lane. As such, from the front elevation it would not appear as a dominant addition to the street.
15. While the proposal would appear larger than Nos. 98-104 Mays Lane from the rear, the dwellings would project no further than the current single storey rear extension at the site or two storey outriggers of neighbouring dwellings, and would be experienced alongside a greater range of surrounding development along Manor Road and Cedar Lawn Avenue. As such, in the context of the site and among the variety of surrounding property sizes and styles, the proposal would not read as out of place from a character perspective.
16. At present the main front and side elevation of the appeal property are set back from No. 104, leaving an element of separation between the buildings. This would not be retained by the proposal, which would be positioned further back in the plot and sit closer to No. 104. However, many neighbouring properties in the surrounds are similarly positioned side by side when viewed from the front. In any event, a two storey side extension has been approved at the property¹ that would also infill the gap with No. 104 such that, from the front elevation, its visual effect would not differ significantly from the proposal.
17. The proposal would have a crown roof. While it would not match the roof form of immediately neighbouring properties, there nevertheless remains a notable variety in roof shapes and styles along Mays Lane. This includes the nearby properties at the Dollis Valley Estate which, although a new build estate, form part of the wider character within which the proposal would be sited. As such, the proposed roof form would not appear incongruous as a result of its design.
18. For the reasons given above, the proposal would not result in significant harm to the character and appearance of the surrounding area. As such there would be no conflict with Policy D3 of the London Plan 2021, Policy CS1 of Barnet's Local Plan Core Strategy Development Plan Document 2012; Policy DM01 of the DMP; and the SPD insofar as they seek to encourage high standards of design that adds to and complements the existing character.

Other Matters

19. The Council has included a reason for refusal relating to ecology and biodiversity primarily due to the absence of information on bats. Following submission of the appeal the appellant stated that a Bat Report had been prepared. However, as I am dismissing for other reasons, I do not consider it necessary to review this issue in further detail. Similarly, while no tree survey

¹ 19/4203/HSE

has been submitted this could have been addressed by way of condition had the proposal been acceptable in all other aspects. In any event, even if I were to find the proposal acceptable with regard to ecology and biodiversity, this would not outweigh the harm identified in respect of the other issues above.

20. The proposal would provide additional family housing in a suitable location in an established residential area, aiding in meeting housing targets and maximising the use of a small site. While this benefit of the scheme is acknowledged, given the limited dwelling numbers proposed this carries moderate weight, which would not outweigh the harm identified above.

Planning Balance and Conclusion

21. The proposal would not cause harm to character and appearance of the area or the living conditions of future occupiers at the site. This lack of harm is neutral in the planning balance. I have also found moderate benefits due to the provision of additional housing in a suitable location.
22. However, I have found that the proposal would result in significant adverse harm to the living conditions of neighbouring occupiers. This is not outweighed by the benefits identified above, even if I had also found no harm to ecology and biodiversity.
23. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR