



Appeal Decision

Site visit made on 24 May 2023

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/N5090/C/22/3303457

24 Grove Road, London N12 9DY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Keyhan Azarian against an enforcement notice issued by the Council of the London Borough of Barnet.
- The enforcement notice, numbered ENF/0024/22, was issued on 12 July 2022.
- The breach of planning control as alleged in the notice is *Without planning permission, the erection of an additional outbuilding to the rear of the property.*
- The requirements of the notice are to (1) demolish the outbuilding; and (2) permanently remove from the property all constituent materials resulting from the works in (1) above.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.

Summary Decision: the appeal is dismissed and the enforcement notice upheld.

Preliminary Matters

1. The parties are disagreed as to the status of the 'host' property of the outbuilding. It is variously described as a single end-of-terrace dwellinghouse, which accords with its present appearance; as a property consisting of two flats, consistent with a planning permission dating from 2015; and as a property consisting of three flats, consistent with Council Tax records dating from around 2018.
2. There is a pre-existing outbuilding to the rear of the property's (presently undivided) garden, and the appellant in this case suggests that the new outbuilding is necessary to serve the second flat for which permission was granted as above. In the light of what I am told about the Council Tax records, revealing a more extensive subdivision, I have considerable uncertainty about whether that permission is extant.
3. Nonetheless I have assumed (without deciding) for the purposes of this appeal that the appellant's contention is correct, and that the additional outbuilding is designed to serve a separate flat. The parties each accept that the building requires permission.

Main Issues

4. The notice was issued for two reasons: first, the Council contend that the outbuilding adversely affects the character and appearance of the host property and the locality; and secondly that it is considered by the Council to adversely affect the living conditions of neighbouring occupiers at 22 Grove Road by reason of a loss of outlook and an increased sense of enclosure.

5. These are therefore the two main issues for consideration in the appeal.

Reasons

Policy context

6. The Council cite several aspects of the development plan and guidance in their reasons for issuing the notice, and add others in their appeal statement.
7. The development plan for the area consists of a suite of documents comprising the Barnet Local Plan of 2012 and the London Plan of 2021. Policy CS5 of the Local Plan Core Strategy DPD refers to protecting and enhancing Barnet's character to create high quality places. Development in the borough is to respect local context and distinctive local character, creating places and buildings of high quality design.
8. Policy CS5 provides that supplementary planning guidance will be provided through a Residential Design Guidance SPD. This was adopted in 2016, and sets out local priorities for protecting and enhancing the character of the borough. Residential gardens are to be protected and enhanced.
9. The related Development Management Policies document specifically refers at policy DM01 to protecting the borough's character and amenity. All development should represent high quality design, and development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect surrounding buildings and spaces. Developments should be tailored to allow for adequate privacy and outlook for adjoining occupiers. Policy DM02 requires development to demonstrate compliance with minimum amenity standards and make a positive contribution to the area.
10. Policy D3 of the London Plan has similar aspirations, requiring a design-led approach to optimise site capacity and requiring high quality developments that respond to existing character.
11. Not yet part of the development plan, but having been consulted upon, is Barnet's emerging Local Plan. Policy CDH01 promotes high quality design that is appropriate to the local context and enhances the character and quality of an area.

Effects on character and appearance

12. The garden to the property (as a whole) contains one substantial pre-existing outbuilding to the rear of the site, said by the appellant to be 39m² in area. It is brick-fronted and of a somewhat domestic appearance. As part of the intended subdivision of the garden, that original outbuilding would form part of an 'L' shaped area, taking in a strip alongside the property's northern boundary fence and leading to a small courtyard area in front of the original outbuilding and behind the new one. The new outbuilding sits around halfway down the property's original (remaining) garden area, at the end of a smaller square of land that would constitute the second garden.
13. The new outbuilding thus stands approximately in the middle of the site, to the southern side. It is a flat-roofed timber-sided structure, departing in appearance from a typical garden shed in having a glass-paned uPVC

entrance door and large sash window to the side, both facing the rear of the house. Internally, I saw that it was wired with electricity including USB sockets, but saw no evidence of plumbing or other services. There was ample head room, with the shed standing at around 2.6m high overall. It is said by the appellant to be used for cycle storage, although the 4 bicycles present at the time of my visit took up relatively little of its 12m² floor area, which was largely empty although contained some other domestic or garden items such as a sofa, chairs and pressure washer.

14. Whilst other flat-roofed garden sheds are not unknown in the area, I saw no other examples of commensurate size standing in the centre of the gardens as with this one. With the pre-existing outbuilding to the rear of the site already taking up much of the property's garden area, the addition of this large shed results in an overdevelopment of the garden. It is unnecessarily large for the flat it is intended to serve, does not protect or enhance the associated residential garden pursuant to the requirements of the SPD and does not preserve or enhance local character as required by policy DM01. For its function as a garden shed, its atypical appearance and excessive overall height does not represent high quality design based on an understanding of local characteristics.
15. For these reasons I consider the outbuilding does not comply with the development plan for the area as it affects the character and appearance of the host property and surrounding area. I do not consider that the addition of a green turfed roof would improve its appearance so as to make it acceptable in these respects.

Effects on neighbouring living conditions

16. The shed stands some 10m away from the rear of the neighbouring house at no. 22. Although at some 2.6m high it exceeds the height of the boundary fence by some way, it is not built right up to the boundary but is set apart from it by some 700mm. Given the relatively large gardens, I do not consider that the shed results in an unduly harmful loss of neighbouring outlook, or the sense of enclosure alleged by the Council. I would not have dismissed the appeal for this reason.

Conclusions on the ground (a) appeal

17. Although not finding the development to be unduly harmful to the living conditions of the adjoining neighbour, I find that its design and siting result in development that is uncharacteristic of the local area and consequently harmful, conflicting with the development plan for the area. Therefore permission will not be granted.

The appeal on ground (f)

18. The appellant proposes to subdivide the garden with fences, so as to result in one outbuilding in each part of the garden associated with the separate flats, and to implement a green turf roof on the shed in order to make it less conspicuous when viewed from neighbouring properties.
19. I do not consider that either of these proposals would overcome the harm resulting from the development's impacts on the area's character and appearance. In any event, the purpose of the notice is to remedy the breach of planning control; and, in this, the notice's requirements that the

outbuilding be demolished do not exceed what is necessary to remedy that breach. Therefore the appeal does not succeed on this ground.

Conclusion

20. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

21. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Laura Renaudon

INSPECTOR