
Appeal Decision

Site visit made on 27 June 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal Ref: APP/N5090/W/22/3312473

2 Pembroke Road, Muswell Hill, Barnet, London N10 2HR

- 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 Newbrix Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/3429/FUL, dated 28 June 2022, was refused by notice dated 20 September 2022.
 - The development proposed is Erection of a two-storey upwards extension to create 2 x two-bedroom flats and internal alterations to the ground floor to create 2 x one bedroom flats. Associated landscaping, refuse and cycle storage
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of the proposal has changed from the application form to the decision notice. That on the decision notice reads 'Additional storeys at fourth and fifth floor levels to provide 5no. self-contained flats. Associated landscaping, refuse/recycling and cycle storage'. This appears to more accurately describe the proposal and this has been adopted on the appellant statement of case.
3. I have therefore considered the proposal on this basis. I do however also note that the proposal includes changes to the existing building at ground floor level.

Main Issues

4. The first main issue is the effect of the proposal on the character and appearance of the area. The second is whether an appropriate housing mix would be provided and the third is the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to overbearing impact and noise and disturbance.

Reasons

Character and appearance

5. Whilst noting the close presence of the adjacent garage unit to the appeal site, the area has a broadly residential character. Flats dominate to the north-west whilst more traditional terraced properties extend away from the site to the south and west.

6. In the main, building heights within the immediate area are at a modest two-three storey level. The existing building is already prominent within the area, partly by reason of its corner location and partly as it is already one of the taller buildings in the area. It is also prominent by reason of its contrasting brick materials, extensive window provision and broadly commercial appearance, which contrasts sharply with the traditional residential properties on the eastern side of Pembroke Road.
7. The introduction of the additional storeys would therefore only serve to draw more attention to this building, which does not make a positive contribution to the appearance of the area, even with the set back top floor of alternative design.
8. The additional height would be out of keeping with other development within the area and would result in visual harm due to this element of contrast. This visual harm would be compounded in that the additional height when read against the neighbouring No.4 Pembroke Road would be sharp.
9. The proposal would therefore have a significant adverse impact on the character and appearance of the area. The proposal would subsequently conflict with policies CS1 and CS5 of the Barnet Core Strategy (2012) (CS) and Policy DM01 of the Barnet Development Management Policies (2012) (DMP) which amongst other things seek good design that respects local context and distinctive local character whilst respecting the height of surrounding buildings.

Housing mix

10. Given that only 1 bedroom dwellings are proposed, the proposal fails to take account of the identified housing needs within Barnet, which are not focussed on 1 bedroom dwellings.
11. For market housing, which is proposed at the site, homes with three or four bedrooms are prioritised. Whilst I appreciate that smaller units form the basis of the existing development, this does not on its own justify the mix proposed. There is nothing to indicate that a more suitable dwelling mix in line with the boroughs identified requirements would not be appropriate to this area.
12. To conclude on this matter the proposal would therefore not provide a dwelling mix that meets the identified needs of the borough. The proposal would therefore conflict with Policy CS4 of the CS, Policy DM08 of the DMP and Policy H10 of the London Plan (2021) which broadly identify housing requirements.

Living conditions

13. The area is likely to already accommodate larger numbers of comings and goings given that there are already extensive flats to the northeast, reasonably tightly packed terraced dwellings along with a garage and a corner shop in proximity.
14. I do not therefore consider that the additional comings and goings that would be associated with the proposal in that context would have any significant adverse impact on the living conditions of neighbouring occupiers with regard to noise and disturbance.
15. Furthermore, whilst the building is already a reasonably imposing feature when viewed from the gardens of properties to the south east, I do not consider that

the proposal would result in any unacceptable overbearing impact from the gardens to the rear of properties on Pembroke Road.

16. This would be because the highest floor would have a set back and the viewing angle from the windows would be rather narrow, especially from areas of the gardens closer to the properties. There would therefore be no significant adverse impact on the living conditions of occupiers of neighbouring properties.
17. There would therefore be no conflict with Policy CS5 of the CS, nor policies DM01 or DM02 of the DMP with regard to these particular matters. Amongst other things these policies state that development should contribute to people's sense of place and allow for adequate outlook. I have not identified conflict with SPD¹ guidance relating to this main issue.

Other Matters

18. I note that the changes to the ground floor and those externally could provide improved accommodation within those parts of the site and have afforded this some positive weight, however, this is not outweighed by the harm identified above.
19. Referring to housing mix, I am directed to an allowed appeal Ref. APP/N5090/W/22/3295272. However, that was a proposal relating to a family home and I am not provided with the full circumstances, which could have been different. It does not appear directly comparable and I am not certain that larger units could not be provided within this building. I therefore afford this matter limited weight.
20. I am also referred to other appeals relating to the provision of additional storeys – Ref. APP/N5090/W/22/3295904 & Ref. APP/N5090/W/3283645. They indicate on the basis of the evidence that additional storeys can sometimes be acceptable. Of course, that is the case, but without knowing the context of those areas or the full makeup of surrounding development, which may have been different, I can only afford these matters very limited weight.

Planning Balance and Conclusion

21. The proposal would bring about economic and social benefits including a contribution towards housing supply. However, these benefits would not outweigh the harm identified.
22. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

T J Burnham

INSPECTOR

¹ Residential Design Guidance October 2016 Supplementary Planning Document, Sustainable Design & Construction October 2016 Supplementary Planning Document.