



Appeal Decision

Site visit made on 13 June 2023

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/N5090/W/22/3302429

26 Exeter Road, Southgate, Barnet, London N14 5JX

- 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 Bhavic Shah against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/1121/FUL, dated 2 March 2022, was refused by notice dated 28 April 2022.
 - The development proposed is described as *The proposal is to build a small dental surgery in the place of the disused garage at the bottom of the garden. Some land will be taken from the host dwellings garden in order to make this proposal work (part land - change of use).*
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed development on the character and appearance of the area; and the living conditions of the occupiers of surrounding residential properties with particular regard to noise and disturbance.

Reasons

Character and appearance

3. The proposed dental surgery would be located to the rear of 26 Exeter Road, at the bottom of the garden, and would include the demolition of an existing detached garage. No.26 is a semi-detached dwellinghouse which occupies a corner position fronting Exeter Road, with the garage being located off and fronting Lawley Road, which connects Exeter Road with the parallel Friars Walk.
4. The immediate context is distinctly residential in character, predominantly consisting of semi-detached dwellings constructed from brick and render, under hipped roofs with bay window features. At the time of my visit, which took place in the middle of the afternoon on a Tuesday, I observed that the area was not busy and had a quiet character.
5. The proposed surgery building would replace the existing garage for which planning permission was granted in 1971 and which is currently not used. The proposed building would be of a reasonable size, albeit occupying a similar footprint to the existing garage. However, whilst the garage is of little architectural merit, the proposed building would have a basic, functional appearance because of its irregular shape and flat roof form. It would not represent high quality design.

6. Together with the proposed use as a dental surgery the development would appear as an incongruous addition, significantly at odds with and harmful to the distinctly residential character and appearance of the area.
7. Consequently, the proposed development would be contrary to Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document September 2012 (the DMP) and policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (the Core Strategy).
8. Together these policies require development to respect local context and distinctive local character and for buildings to be of the highest quality, preserving or enhancing local character. It would also conflict with the overall design aims of the National Planning Policy Framework (the Framework).

Living conditions

9. The proposed surgery would be located between the rear gardens of No.26 and 66 Friars Walk but would be independent of No.26. Whilst there are no dwellings fronting Lawley Road, there are dwellings on the opposite side of the road with side and rear windows overlooking, and gardens close to the road.
10. It seems that there is adequate on street parking along Lawley Road, and I acknowledge that there are no objections from the Council's highway officers or Environmental Health Officer, subject to conditions.
11. However, having regard to the expected number of patients, there is an unacceptable risk that the activity, including comings and goings associated with the proposed use, would cause harm to the living conditions of surrounding residents because of noise and disturbance. Accordingly, the proposed dental surgery would be contrary to the aims of the Framework to seek a high standard of amenity for existing and future users.
12. The appellant would be willing to accept conditions requiring a noise report and any necessary sound proofing measures and to reduce the hours of operation. However, such conditions would not overcome the identified harm to the character and appearance of the area.

Other Matters

13. The Council referred to Policy DM02 of the DMP which relates to development standards, although it is not evident which standards as set out in the policy, if any, are relevant.
14. Nor do I consider, in the absence of explanation, that the Supplementary Planning Document: Residential Design Guidance October 2016 (SPD) is relevant since this is aimed at new housing development. Finally, the Council referred to the Local Plan Supplementary Planning Document: Sustainable Design and Construction (SPD) but little explanation has been provided of the relevance of this document to the proposal and the extent of conflict with it. Therefore, this policy and the SPDs weigh neither for nor against the proposal.
15. The Council's refusal of an application for a lawful development certificate for a proposed outbuilding has no bearing on the merits of, or my consideration of the appeal proposal.

16. That cycle parking and refuse arrangements would be provided, and that the appeal site is not in a conservation area, or a listed building, are neutral matters which cannot outweigh my above findings.
17. The appellant provided details relating to two dental surgeries which were granted permission by the Council. One related to the expansion of an existing surgery that has been operating for over 30 years, and the other the removal of a condition on a surgery that was granted permission in 1986. Those surgeries both operate from former dwellings and are not therefore directly comparable. Moreover, the original permissions were undoubtedly granted under a different development plan policy context, and in the absence of details about how they came to be, their existence is a matter of limited weight.

Conclusion

18. The appellant referred to policies from the London Plan 2021, the Framework and the Council's draft Local Plan. Although copies were not provided, it seems that these broadly support the provision of community and health facilities where there is an identified need. However, the appellant acknowledged that Policy CS10 of the DMP does not support the provision of services and community facilities in residential areas.
19. There would be some modest economic benefits associated with the employment of dental professionals, and social and environmental benefits associated with the provision of a reasonably accessible health facility.
20. However, the identified harm to the character and appearance of the area and the living conditions of residents, to which I attach substantial weight, means that the proposed development is contrary to Policies DM01 of the DMP, and CS1 and CS5 of the Core Strategy and therefore conflicts with the development plan taken as a whole.
21. In this case, there are no material considerations of sufficient weight to indicate that the appeal should be determined other than in accordance with the development plan.
22. Given the conflict with local policy, the development cannot therefore be considered sustainable development for which the Framework or Policy CSNPPF of the Core Strategy presumes in favour.
23. Accordingly, I conclude that the appeal should be dismissed.

Felicity Thompson

INSPECTOR