



Appeal Decision

Site visit made on 3 May 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/N5090/W/22/3303877

115 Park Road, New Barnet, Barnet EN4 9QR

- 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 William Gibson against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/6327/FUL, dated 26 November 2021, was refused by notice dated 27 January 2022.
 - The development proposed is Erection of an apartment building comprising of 6no. self-contained flats with communal area, parking and amenity space, following the demolition of the existing dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the supply of family homes within the locality; and
 - whether the proposed development would adversely affect biodiversity and protected species.

Reasons

Character and appearance

3. The appeal site is located on Park Road, on a prominent corner with Pilgrims Rise. The properties in the surrounding residential area are a mixture of 2-storey detached dwellings/flats and bungalows. The buildings on this side of the road are elevated above the carriageway. Although no one architectural type predominates, the density and layout of residential development does not fluctuate significantly. Overall, the surrounding streets are characterised by spacious development that has a recognisable rhythm and spatial pattern which contributes to the character and appearance of the area.
4. The site itself comprises a detached bungalow (No 115 Park Road) and its gardens. Similar to neighbouring plots, No 115 is set well back from the carriageway with generous spacing. Whilst covering the width of the plot the bungalow has various flat roof and lower off-shoots, affording a spacious setting to the bungalow. No 117 Park Road is also a bungalow and the overall

form and scale of the appeal bungalow and No 117 at the entrance to Pilgrims Rise presents a balanced and unobtrusive appearance to the streetscene. This provides a cohesive and complementary relationship with the immediate buildings to the side and rear.

5. The proposed development providing 6 flats over 3 floors is designed to appear as a two-storey dwelling, with accommodation in the roof space. Given the elevated levels there would be excavation of the site, where 6 parking spaces are proposed. It is sited in a similar position to the existing bungalow, which reflects the building line of adjacent properties.
6. The development would be lower than the ridge of the adjacent No 113 Park Road, however, it would be significantly higher than the adjacent bungalow at No 117 Park Road. Notwithstanding the separation afforded by the carriageway, there would be a marked contrast in height between the development and No 117. The development would also be seen in some views in the context of the bungalows at the rear on Pilgrims Rise. As such the development would also make adjacent bungalows appear more diminutive in comparison and the proposal would therefore appear obtrusive.
7. Whilst there is a stepped design to the front, rear and wings off the main gables, the length of roof along the main axis of the proposal, parallel to Park Road, would be significantly longer than the main bulk of the existing bungalow. I appreciate No 115 also almost fills the width of the site, but this includes off-shoots which are minor additions and are not visually dominant. Therefore, although space is retained to the side of the development, the building would appear significantly wider and bulkier than the building it replaces, as well as adjacent buildings on Park Road and Pilgrims Rise.
8. The appellant has sought to design a building that would have an external appearance that would replicate a dwelling, incorporating features from the immediate area. However, the dual gable features and side wings would appear unduly large. This scale would erode the pattern of development and space around buildings.
9. Given the prominent corner position, the overall scale and engineered appearance from the excavation would also be visually prominent in the streetscene. The increased dominance, massing, width and prominence of the building, particularly given the building's setting adjacent to a relatively small bungalow would not be in character with the surrounding area.
10. For the above reasons, the proposal would harm the character and appearance of the area. Consequently, the proposal would conflict with Barnet's Local Plan Core Strategy Development Plan Document 2012 (the Core Strategy) Policies CS NPPF, CS1 and CS5. The proposal would also conflict with Policy DM01 of the Barnet's Local Plan Development Management Policies Development Plan Document 2012 (the DMPD). These policies require, amongst other things, that development should respect the local context, including the scale, mass and height of surrounding buildings and preserve and enhance the local character of the area. They are consistent with the National Planning Policy Framework which aims to achieve high quality development which helps create better places to live and work.

11. For similar reasons, the proposal would also conflict with the Council's Residential Design Guidance Supplementary Planning Document 2016 (the residential SPD).

Supply of family homes

12. The Council's concerns relate to two interlinked issues to the loss of a family sized dwelling in an area, and the failure for the proposal to provide any 3 bed units. DMDP Policy DM01 seeks to protect Barnet's character and amenity. It advises that the loss of houses in roads characterised by houses will not normally be acceptable nor will the conversion of dwellings into flats in roads characterised by houses. The surrounding area is primarily one in character and appearance terms of family dwellings. Notwithstanding that there are many large family dwellings in the area, the character that these houses deliver is worthy of protection and the homes provide scope for good quality family accommodation.
13. DMDP Policy DM08 emphasises on appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough, supporting Core Strategy Policies CS4 and CS5 in delivering a suitable housing mix. Policy DM08 sets out that 3 and 4 bedroom homes are the Borough's priority for market housing. None of the proposed flats would be 3 bed family units.
14. The appellant emphasises the proposal would benefit first time buyers and contribute towards the provision of much needed housing. They also state the officer report refers to the existence of numerous family dwellings in the area. However, there is no substantive evidence to indicate that family housing is fully catered for, especially given planning policies seek to retain and prioritise such housing.
15. Although there is little evidence provided by either party on this matter, the Council's policies are clear on the overall aspirations. Therefore, the proposal would result in the loss of single-family unit dwelling which is of a greater priority in Barnet than 2 and 1 bed units. and would not provide a policy appropriate unit mix due to the absence of 3 bed units.
16. Consequently, the proposal would be contrary to Policies CS4 and CS5 of the Core Strategy, and Policies DM01 and DM08 of the DMPD. The proposal would also conflict with Policy H10 of the London Plan Spatial Development Strategy for Greater London 2021 (the London Plan). Together these policies, amongst other things, seek to maintain family sized housing and a balanced housing stock to meet the wide range of household needs in the borough.
17. Although the Council's reason for refusal on this matter refers to adopted Supplementary Planning Documents on Sustainable Design and Construction Supplementary Planning Document 2016 (the SDC SPD) and Residential SPD, it has not been demonstrated how a conflict with this document which primarily relates to design matters, would arise in respect of this issue.

Protected species

18. Although the Council claims insufficient information has been provided regarding the impact of the proposal on biodiversity and protected species, the appellant has provided an ecological survey. It is unclear if this has been reviewed by the Council as it has not been referred to in their statement.

19. However, noting the disclaimer on the front, the survey was 12 months old prior to the determination of the planning application. It is also now over 2 years old. Whilst I note no bats or evidence of bats were found at the time of the survey, I cannot be certain given the age of the survey that this is still the case.
20. Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
21. Therefore, in the absence of detailed information, I cannot be certain that the proposal would not have a detrimental impact on ecology, contrary to with Policy DM16 of the DMPD. For the same reasons, the proposal would also not accord with the SDC SPD which requires the impact and where necessary mitigation is demonstrated through an ecological statement.

Other Matters

22. The proposal would make efficient use of a small site that could be delivered quickly and, in doing, so could make a rapid contribution to housing supply. Given the scale of the development proposed, I ascribe moderate weight to these benefits.
23. There is no dispute between the main parties with regards to the principle of development and the loss of the bungalow; the effect upon the living conditions of occupiers of neighbouring properties; whether appropriate levels of off-street parking and cycle parking would be provided; or whether the proposed materials or effect on trees would be appropriate. In addition, all properties meet space standards, with all habitable rooms experiencing good outlook and daylight/sunlight. Even if I were to agree with regard to these issues, these would only represent neutral factors and would not weigh in favour of the proposal.

Planning Balance and Conclusion

24. While there would be benefits from additional housing on a small site that could be delivered quickly and some support from the Framework in this regard, I have found harm to the character and appearance of the area, biodiversity, and mix of housing. This would result in conflict with the Framework, taken as a whole, so overall, the Framework does not weigh in favour of the development.
25. For the reasons given above the material considerations do not indicate that a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

K Williams

INSPECTOR