



Appeal Decision

Site visit made on 15 August 2023

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/N5090/W/23/3317010

99 Russell Lane, Whetstone, Barnet, London N20 0BA

- 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 R Cornes against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/5904/FUL, dated 12 December 2022, was refused by notice dated 6 February 2023.
 - The development proposed is a single storey rear extension to form a 1 bed dwelling with off street parking and terrace.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to form a 1 bed dwelling with off street parking and terrace at 99 Russell Lane, Whetstone, Barnet, London N20 0BA in accordance with the terms of the application, Ref 22/5904/FUL, dated 12 December 2022, and the plans submitted with it, subject to the conditions set out in the schedule.

Preliminary Matters

2. The description of development was amended by the council in its decision letter. I have used the description of development as written on the planning application form.
3. I note there is a draft Barnet Local Plan that has been submitted to the Planning Inspectorate for independent examination. As the plan has not yet been adopted, its policies carry limited weight.

Main Issues

4. The main issues are:
 - The effect of the appeal proposal on the character and appearance of the area.
 - Whether the proposed accommodation would provide acceptable living conditions for future occupiers with regard to amenity space and privacy.

Reasons

Character and appearance of the area

5. The appeal site sits at the end of a terrace of 2 and 3 storey red brick buildings with commercial uses at ground floor and residential flats above. It is a corner site, with the return elevation running along Hereford Avenue, a residential street. To the rear of the appeal site lies an access road running between

Hereford Avenue and Gallants Farm Road. Most of the buildings in the terrace have ground floor extensions, outbuildings or garages in connection with either commercial or residential use. The vacant land to the rear of the appeal site appears unusual in this fairly densely developed terrace.

6. Given that the proposed structure would be a single storey and comparable in size to many of the other rear additions in the terrace, it would not be a dominant or overbearing addition to the streetscape. The rear building line would be similar to several of the existing rear additions to the Russell Lane terrace which back onto the access road. I note that other corner sites nearby do not have extensions as deep as that proposed here. However, I consider that the context for this site is set more by the pattern of development along the terrace as a whole, rather than specifically by its corner location. Accordingly, the appeal proposal would preserve the character of the area whilst having due regard to the pattern of development, in line with the expectations set out in the council's Residential Design Guidance Supplementary Planning Document 2016.
7. I acknowledge that the point of attachment to the host building would appear somewhat weak given the location of the proposed amenity space. Notwithstanding this, the extension would still read as a subservient addition to the host property as its scale and form would respect the context of other rear additions to the terrace. The gap in built form along the Hereford Avenue elevation as a result of the proposed amenity space would cause limited harm to the character and appearance of the terrace and wider street scene.
8. My attention has been drawn to an appeal decision for an extension at 91 Russell Lane¹ in support of the council's case regarding the form of the proposed extension. I do not find that the contents of this decision are directly comparable to this appeal beyond the Inspector finding that a residential use would be consistent with the character of the area.
9. In terms of the appeal proposal's overall effect on the character and appearance of the area therefore, I find that it would be in line with the aims of policy D3 of the London Plan 2021; policies CS1 and CS5 of Barnet's Local Plan: Core Strategy DPD 2012 and policy DM01 of Barnet's Local Plan: Development Management Policies DPD 2012. These policies, amongst other things, seek to ensure high quality development and the protection or enhancement of local character and appearance.

Living conditions of future occupiers

10. I acknowledge that the configuration of the amenity space would mean that it would perhaps feel more enclosed than a conventional terrace. It would, however, comply with space standards set out in the Sustainable Design and Construction SPD 2016. There would also be a reasonably open outlook to Hereford Avenue and it is likely that the amenity space would be capable of receiving some sunlight due to its orientation. Consequently, I am not of the view that any harm to the living conditions of future occupiers would result. In their submissions, the appellant has offered to increase the extent of the amenity space. This is not the proposal before me, and in any event, as outlined above, I do not consider this would be necessary to make the development acceptable.

¹ Appeal reference APP/N5090/W/3143594

11. The first floor flat in the host property has windows looking onto the rear of the appeal site, albeit set back from the existing ground floor extension. I note that the Residential Design Guidance SPD 2016 states that in new residential development there should be a minimum distance of around 21m between facing windows to habitable rooms. Notwithstanding this, the view from the first floor flat down onto the proposed terrace and living room windows would be somewhat interrupted by the existing ground floor projection. I do not consider therefore that this arrangement would lead to a harmful degree of overlooking to the proposed terrace.
12. The drawings indicate that the rooms served by the two windows adjacent to the proposed terrace serve an office and small kitchen used in connection with the estate agency. This matter can reasonably be addressed by a condition requiring details of a means to prevent overlooking from these windows to the terrace and living room window of the proposed flat.
13. In respect of the living conditions of future occupiers of the flat with particular regard to privacy and amenity space, I find that the appeal proposal is in line with the aims of policy CS5 of Barnet's Local Plan: Core Strategy DPD 2012 which is a strategic policy to encourage the creation of high quality places, along with policies DM01 and DM02 of Barnet's Local Plan: Development Management Policies DPD 2012. Amongst other things, these policies seek to ensure adequate daylight, sunlight, privacy and outlook for occupiers of new residential development, along with achieving appropriate standards for outdoor amenity space.

Other Matters

14. Both parties make reference to the extant planning permission for a similar extension on this site². Whilst I note that this permission provides a fallback position, it has no bearing on my consideration of this appeal, which is determined on its own merits.

Conditions

15. The council have provided some suggested conditions which I have considered against advice in the National Planning Policy Framework 2023 and Planning Practice Guidance. I have attached the standard time limit condition (1) and a plans condition (2) as this provides certainty. Condition 3 requires the submission of a construction method statement and is necessary to maintain highway and pedestrian safety and safeguard the living conditions of nearby residents. It is required to be a pre-commencement condition, to which the appellant has agreed in writing.
16. I have added a condition concerning materials to ensure a satisfactory appearance (4). The landscaping details condition (5) is also necessary in the interests of ensuring a satisfactory appearance.
17. Conditions 6 and 7, requiring details of bicycle and refuse storage, are required in the interests of extending sustainable transport options and providing appropriate living conditions for future occupiers. Condition 8 is necessary to require details of the boundary treatments of the site, including the amenity space, to ensure a satisfactory appearance and to protect the living conditions

² 22/4487/FUL Single storey rear extension to form 1 no. self-contained flat. Associated off street parking and terrace, dated 23 November 2022.

of future occupiers. The council's suggestion of requiring appropriate gaps in the boundary treatment to allow the free passage of wildlife would be an enhancement to biodiversity.

18. Condition 9 is necessary to ensure water efficiency; condition 10 is necessary to ensure that the development meets the access needs of future occupiers. I have re-drafted the council's proposed energy efficiency condition (11) to refer to the 2013 Building Regulations as required by the London Plan. Condition 12 ensures the proposed parking space is provided and is necessary in the interests of highway and pedestrian safety. Condition 13 restricts access to the roof of the extension and is required to protect the living conditions of nearby residents.

Conclusion

19. I have found that the proposal is in line with the development plan read as a whole, and no material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. For the reasons set out above, the appeal is allowed.

L Francis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: location plan; 512921-3; 512921-2 rev F.
- 3) No development or site works shall take place until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include the following:
 - i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.

The development shall thereafter be implemented in accordance with the measures detailed within the statement.

- 4) No development other than demolition works shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

- 5) A) The dwelling shall not be occupied until details of a hard and soft landscaping scheme have been submitted to and approved by the local planning authority. The scheme shall include indications of all existing trees to be retained, and size, species, planting heights, densities and positions of any soft landscaping.
- B) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The dwelling shall not be occupied until details of cycle storage for the dwelling, in line with London Plan cycle parking standards, have been submitted to and approved in writing by the local planning authority. The approved cycle storage shall be provided prior to occupation and maintained for the life of the development according to the details approved.
- 7) The dwelling shall not be occupied until details of refuse and recycling storage have been submitted to and approved by the local planning authority. The approved storage shall be provided prior to occupation and maintained for the life of the development according to the details approved.
- 8) The dwelling shall not be occupied until details of the boundary treatments for the site including the outdoor amenity space, have been submitted to and approved by the local planning authority.

The details of the boundary treatments shall include the following:

- a) means of preventing overlooking from the rear ground floor windows to the amenity space,
- b) permeability for species such as hedgehogs or toads with the provision of a minimum 13cm x 13cm hole at ground level between the site and each neighbouring piece of land to prevent the fragmentation of habitats.

The boundary treatments shall be provided prior to occupation and maintained for the life of the development according to the details approved.

- 9) The dwelling shall not be occupied until the Building Regulations Optional requirement under Regulation 36(2)(b) of Part G2 of the Building Regulations (water efficiency) has been complied with. The water efficiency measures installed shall thereafter be maintained as approved.
- 10) The dwelling shall not be occupied until the Building Regulations Optional requirement under Regulation M4(2) has been complied with.
- 11) The dwelling shall not be occupied until an energy statement setting out how the approved development achieves at least a 10% reduction in Carbon Dioxide emissions below the Target Emission Rate (TER) based on part L of the 2013 Building Regulations, has been submitted to and approved by the local planning authority.
- 12) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing number 512921-2 rev F for one car to be

parked and that space shall thereafter be kept available at all times for the parking of vehicles.

- 13) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.