



Appeal Decision

Site visit made on 5 September 2023

by C Livingstone MA(SocSci) (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2023

Appeal Ref: APP/N5090/W/23/3318118

112 D Park Road, New Barnet, Barnet, EN4 9QS

- 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 Rajiv Agarwalla against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/4396/FUL, dated 21 April 2022, was refused by notice dated 4 November 2022.
 - The development proposed is a phased development to demolish existing house and ancillary buildings and erection of two houses. Phase 1 of the development is to provide the replacement house and phase 2 of the development is to provide the additional house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the development would provide adequate living conditions for future occupants of Unit 2, with particular regard to external amenity space; and
 - whether future occupiers of Unit 1 would be likely to experience suitable living conditions in terms of outlook.

Reasons

Character and appearance

3. The application site relates to 112 D Park Road, which occupies a prominent corner plot at the junction of Park Road and Mount Road. There is an existing modest single storey dwelling on the site, and several outbuildings, which would be removed to allow for the proposal. The prevailing pattern of development within the area is that of relatively low density housing. Most properties are set back from the road with long private rear gardens. There are a mix of house types and architectural styles in the surrounding area. The majority of properties on the western side of Park Road are single storey, or dormer bungalows. The dwellings on the eastern end of Mount Road, adjacent to the site, are mostly two storey and of varying architectural styles and materials.
4. Two properties are proposed, Unit 1 would front on to Park Road and would replace the existing dwelling. This property would be a dormer bungalow, with

three bedrooms. The second property, Unit 2, would occupy the area that currently forms part of the rear garden ground of 112 D Park Road. This property would be two storey, which notwithstanding some differences in annotations on the submitted plans identifies only two bedrooms located at the proposed first floor, and would front on to Mount Road. Both properties would have private rear gardens that are significantly shorter than those enjoyed by neighbouring properties. Open garden areas, on corner plots, make an important contribution to the perceived density of housing as experienced from the street. It follows that the development of the plot as proposed would have a harmful effect on the established pattern of development in the area.

5. In reaching the above findings I have taken into account that Mount Road is on a slight slope, with the ground level ascending towards Park Road. The modest height and proportions of the existing dwelling effectively accommodates the transition in road level and balances the difference in height between the dwellings on Mount Road and Park Road. However, the proposed replacement dwelling would be significantly larger than the existing dwelling in terms of scale and massing, which would be emphasised by the variance in ground level. The width of the side elevation of Unit 1 would be significantly wider than the front elevation of Unit 2 and Unit 1 would be higher. As such, the proportions of Unit 1, as a dormer bungalow, would be out of scale with Unit 2 and the other dwellings on Mount Road which exacerbates the harm to the character and appearance of the area as observed within the street scene.
6. As the side elevation of Unit 1 would be visible from Mount Road, it is important that this elevation relates positively to the existing street scene. While the majority of dwellings in the area have modest proportionate dormer windows the proposed roof design of Unit 1, particularly when viewed from Mount Road, would result in the dwelling appearing top heavy, with the dormers being of a scale that would have an overly dominant impact.
7. When considered in isolation Unit 2 would reflect the proportions of existing dwellings on Mount Road and would incorporate design details present elsewhere on the street. However, given the established pattern of development of the area. The properties would appear constrained as a result of the overdevelopment of the site. The scale and massing of Unit 1 is such that it would result in a property that would appear overly prominent and dominant within the street scene.
8. There are several outbuildings and structures within the application site to the front and side of the existing property. These past developments are inappropriate given their position and materials used in their construction. I recognise that the development of the site would result in their removal. However, this does not outweigh my findings in respect of the harm arising from the proposal that I have previously identified.
9. Having regard to all of the above, I conclude that the proposal would significantly harm the character and appearance of the area. It would therefore conflict with the Policies D1, D3 and D4 of the London Plan (2021) (LP) Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) (2012) (CS), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies)(2012) (DMP) and the associated guidance in the LB Barnet: Residential Design Guidance SPD (2016) (RDG SPD). The policies are consistent with the National

Planning Policy Framework (the Framework) in seeking to protect the Borough's residential areas.

Living conditions, Unit 2

10. As described above, the established pattern of development in the area is such that most properties have long private rear gardens and are arranged with dwellings fronting the road. This ensures these properties have a suitable area of private outdoor amenity space, which has a positive impact on the living conditions of occupants. The submitted plans indicate that Unit 2 would have 75.5 square metres of external amenity space. It is acknowledged that there are instances where limited outdoor spaces are acceptable, particularly in urban areas. The submitted information confirms that the proposed rear garden area of Unit 2 would meet the minimum standards as set out in the Council's Sustainable Design and Construction SPD for a house with six habitable rooms.
11. Given an increase in working and studying from home, it is reasonable to have a dedicated study. However, it is noted that a study is proposed on the ground floor and a study and tank room is proposed on the first floor. This would result in a two bedroom, two study property. Given the size of the property it is possible that the first floor study and tank rooms could be amalgamated and used as a bedroom in the future. In such an instance the minimum external amenity space required would be 85 square metres.
12. The rear garden area for Unit 2 would be significantly smaller in comparison to most others in the immediate area. Also, it is not beyond reasonable probability that the internal layout of Unit 2 could be altered to become a three bedroom property in the future. In such circumstances, the property would provide an insufficient area of external amenity space considering the established pattern of development in the area and the size of the proposed dwelling. In reaching that view, I am mindful that a planning condition controlling the use of internal rooms could not reasonably be imposed due to the difficulty of enforcement of such a restriction.
13. I conclude that the development would not provide adequate living conditions for future occupants of Unit 2, with particular regard to external amenity space. It would therefore conflict with CS Policy CS5, DMP Policies DM01 and DM02 and the associated guidance in the RDG SPD and the LB Barnet: Sustainable Design and Construction SPD (2016) (SDC SPD). The Policies require, among other things, that new housing development provides suitable living standards for future occupants this includes an adequate area of outdoor amenity space.

Living conditions, Unit 1

14. The siting of the two properties is such that a substantial proportion of the rear elevation of Unit 1 would be in close proximity to the side elevation of Unit 2. Due to the constrained relationship between the proposed properties, Unit 2 would have an overbearing impact on future occupants of Unit 1, having a harmful impact on their outlook from the rear of the property.
15. I note that several rooms within Unit 1 would be dual aspect, and not solely served by windows looking out to the side of Unit 2. However, the kitchen/breakfast room is not dual aspect and the combination of the enclosing impact of built form and tall boundary treatments to this aspect would result in an oppressive environment.

16. I conclude that future occupiers of Unit 1 would be likely to experience unacceptable living conditions in terms of outlook. The development would therefore conflict with Policy D6 of the LP, CS Policy CS5, DMP Policies DM01 and DM02 and the associated guidance in the RDG SPD and the SDC SPD. These policies require, among other things, that new development should be designed to allow for suitable living conditions for adjoining occupiers in terms of outlook.

Other Matters

17. The submitted information includes examples of previous planning applications determined by the LPA, an approval for the replacement of the existing dwellinghouse and a refusal for the erection of a two storey property within the rear garden. I do not have full details of these schemes, however, both examples are for single dwellings and therefore are not a direct comparison. In any case I have considered the appeal proposal on its own merits.
18. My attention has also been drawn to an appeal decision, APP/N5090/W/21/3281730, at 7 Shakespeare Road, London. However, this relates to an appeal for the change of use of part of a warehouse building to a studio flat. Accordingly, the circumstances in this instance are not directly comparable with those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal proposal based on the evidence before me and my own observations.
19. The development would make a positive contribution to the supply of housing with potential low carbon credentials, incorporating water saving and efficiency measures.
20. The access and parking arrangements would be a safe and acceptable highway solution for the limited increase in traffic and parking demand. The separation distances would ensure no harmful impact in terms of outlook or loss of privacy to existing neighbouring properties. However, the absence of concern in those respects is a neutral factor.

Conclusion

21. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the policies of the development plan relating to housing due to harm upon the character and appearance of the area and unacceptable living conditions of future occupants.
22. The conflict with the development plan, the Framework and the associated harm are significant and overriding factors. The other material considerations in this case, including the limited contribution to housing supply, do not indicate that the application should be determined otherwise than in accordance with the development plan.
23. For the reasons given above, I conclude that this appeal should be dismissed.

C Livingstone

INSPECTOR