



Appeal Decision

Site visit made on 22 August 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/N5090/W/23/3317009

198 Golders Green Road, Golders Green, Barnet, London NW11 9AL

- 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 Trentwood Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/3369/FUL, dated 28 June 2022, was refused by notice dated 12 September 2022.
 - The development proposed is erection of a two-storey rear outbuilding at basement and ground floor levels for use as a gym/storage/utility area ancillary to the guest house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form describes the proposal as two-storey gym and storage/utility area for use of the occupants of the host property (in use as a guesthouse) No. 198 Golders Green Road (No 198). From this, it is not clear that the proposal is a separate building to the rear of No 198. Therefore, I have used in the banner heading above, the description used by the Council and by the appellants in their appeal decision. It is on this basis that I have determined the appeal.
3. The appellant's statement includes an aerial photograph showing the purported site of the proposal. This is in a different location to that shown on the submitted red line boundary plan. I have determined the appeal on the basis of the boundary plan.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal site is a semi-detached, former dwelling, which is now used as a guest house, called Hotel CG. It is located on a corner plot at the junction of Golders Green Road, the A501, with Ambrose Avenue. The area is characterised by a mix of residential and commercial properties.

6. The building has been extended at the rear with both two storey and single storey extensions. Adjoining this is a rectangular garden area, surrounded by a wooden fence, which extends up to the side boundary of No 2 Ambrose Avenue. Wooden fencing has also been used to subdivide the garden across the width of the site. The rear garden area is overgrown. At the far end is an area of hardstanding which can be accessed from double gates off Ambrose Avenue, whilst a single gate allows access to the garden closest to the building.
7. The proposal would extend across the full width of the site. The ground floor would be used as a gym, and there would be an external staircase leading to the basement level where there would be a utility room and storage area.
8. The building would only have windows and doors on the elevation facing the rear of No 198. The effect of the openings, safety handrails, staircase and a platform created at garden level to enter the gym, would, however, dominate and be excessive for a limited garden area to the rear of the host building. Combined with the existing extensions that have been added to the rear of No 198, this would create an overly intensive form of development which would be detrimental to the character and appearance of the host property and the wider residential area.
9. Whilst there is disagreement between the parties as to the extent of the garden area that would be retained if the proposal was built, it would cover a sizeable area. Cumulatively, with the existing rear extensions, it would provide limited useable garden space. This would contrast with surrounding properties where garden areas are more spacious and undeveloped.
10. The building would be within a highly visible corner location, viewed from a number of vantage points, including from Golders Green Road. The position of the building within the plot would appear incongruous, and its scale and form, despite having a flat roof, would be obtrusive. Whilst there are a variety of architectural styles and building heights within the area, the style and form of the building would appear unsympathetic and too large for the site.
11. For these reasons, the proposal would harm the character and appearance of the area. It would therefore not accord with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (CS), 2012, which seeks high quality design which respects local character. Furthermore, it would also not accord with Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (DMP), 2012, which requires development to respect the appearance, scale, mass, height and pattern of surrounding buildings and retain outdoor amenity space. For the same reasons, it would conflict with Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance (SPD), 2016.

Living conditions

12. The appellants consider that the building would improve the quality of life of the occupants of the guesthouse and provide useful storage and utility space. The use of the building would, however, result in a level of activity that currently does not exist. The building would not only house gym equipment but also provide facilities for doing laundry. Details of the number of washers and driers has not been provided and so there is no evidence of the possible effect of the use of these.

13. Whilst conditions could ensure that the building would have suitable noise attenuation to prevent noise escaping as a result of music being played and machines being operated, there would nevertheless be levels of activity and noise which has the potential to harm neighbouring properties. Noise would, for example, escape when doors are opened and closed, or if the door is left open for a period.
14. Even though the appellant has stated that the gym would only be for the use of occupiers of the guesthouse and not open to the public, the numbers of people who may access the building would be over and above that expected from a residential garden of this nature. Whilst this building is used as a guest house, properties adjoining the building and the rear garden, would appear to be used for residential purposes.
15. Therefore, in the absence of the substantive evidence to demonstrate otherwise, I am led to the conclusion that the proposal with its use as a gym, storage and utility area would harm the living conditions of neighbouring properties with regard to noise and disturbance.
16. The proposal would therefore not accord with Policies CS1 and CS5 of the CS which seeks to create high quality design which seeks to protect and enhance the gardens of residential properties and Policy DM01 of the DMP requiring the protection of Barnet's character and amenity. Furthermore, it would also not accord with the residential design guidance within the SPD.

Other Matters

17. The appellant has confirmed that planning permission¹ has, since the refusal of the application subject to this appeal, been granted for a single storey, rear outbuilding on this site. The parties disputed the size of this building compared with the appeal proposal. However, the appellant has confirmed that the proposal was larger than that which has been approved.
18. Whilst the approved building would also cover the full width of the plot and would be the same height as the appeal proposal, it would be smaller and not have a basement level. Therefore, the size and scale of the building, which is clearly different to that before me, would not dominate the rear garden to the same extent. Furthermore, as the building would not include the laundry, only the gym, the level of activity would be more limited and so the intensification in the use of the site would be reduced.
19. Whilst the appellant has highlighted other outbuildings within the grounds of properties within the area, which they claim are larger than this proposal, no substantive evidence has been provided as to the circumstances of these buildings, and whether they are directly comparable to this appeal. I therefore give this only limited weight.
20. The appellant has confirmed that they would support conditions relating to the construction schedule and acoustic testing in order to protect the amenity of neighbouring properties. Additionally, they would be willing to restrict the opening hours of the gym. Furthermore, following concerns from neighbouring properties about the stability of the ground following excavation, the appellant has confirmed that construction would only take place following necessary

¹ 22/4591/FUL

surveys and building regulations approval. Notwithstanding this, as I am dismissing the appeal, this is a neutral matter.

Conclusion

21. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
22. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR