



Appeal Decision

Site visit made on 14 November 2023

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

an Inspector appointed by the Secretary of State

Decision date: 4th January 2024

Appeal Ref: APP/N5090/W/23/3322203

53 Brent View Road, Colindale, Barnet, London NW9 7EJ

- 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 Peter McGinley against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/0481/FUL, dated 3 February 2023, was refused by notice dated 4 April 2023.
 - The development proposed is described as 'erection of a two storey dwelling with rooms in the roofspace following demolition of the existing garage. Associated amenity space, new boundary fencing, refuse/recycling storage, cycle store and parking. Alterations to side elevation fenestration of existing house including removal of side bay window.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading has been taken from the Council's decision and the appeal form, as it a more accurate description of the appeal development.
3. Subsequent to the date of the Council's decision, the Government published its revised National Planning Policy Framework (the Framework). Having considered the role and content of revisions, I do not consider it necessary to re-consult the main parties about this change in national policy in relation to this case.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties with particular regard to outlook, daylight and sunlight and occupants of 53 Brent View Road and Spruce Lodge;
 - the impact of the proposal on highway safety with particular regard to parking; and
 - whether the development would provide adequate living conditions for future occupants, with particular regard to external amenity space.

Reasons

Character and appearance

5. The appeal site is located in a predominantly residential area. The majority of properties in the locality are two storey terraces, forming linear patterns of development. The terraced properties maintain strong building lines, set back slightly from the footway with small gardens to the front and long narrow gardens to the rear. As well as terraces there are also three storey blocks of purpose built flats in the immediate area.
6. The host property is a two storey end of terrace house with a hipped roof and garden to the rear. The eastern boundary is angled, and the width of the plot increases towards the rear. There is a modest flat roofed detached garage to the side of the host property.
7. The proposal is for the removal of the existing garage and the erection of a two storey detached dwelling with a parking space to the front and a garden to the rear. The proposed dwelling would be set back from the building line of the terrace. The side elevation would be built up to the eastern boundary and would be angled to reflect the line of that boundary. The front elevation of the proposed dwelling would therefore have a narrower profile than the rear.
8. The side elevation of the proposed dwelling would be angled towards the street, which would increase its prominence. This would be an unusual design, which is not apparent elsewhere in the immediate area. It would have the uncharacteristic appearance of an overly cramped form of development on a constrained site, sandwiched between the end of a row of terraced houses and the garden area of a block of flats. The design of the proposal would not therefore be sympathetic to the character or appearance of the area. This would not comprise high quality design.
9. There is a detached dwelling on the opposite side of the terrace, at 46 Brent View Road. That neighbouring dwelling has a layout and design features which reflect the established pattern of development in the area and the traditional fenestration pattern and detailing of the neighbouring terrace. It is a sympathetic addition to that end of the terrace. The proposed dwelling would not form a direct comparison to the dwelling at 46 Brent View Road.
10. The proposed dwelling would appear incongruous within the street scene and would not reflect the surrounding pattern of development. It would not constitute an improvement to the area in character terms compared to the existing modest garage, which reads as a typical ancillary residential building. The palette of proposed materials would be sympathetic to the host property, but this would not ameliorate the harm which would be caused by the overall poor design of the proposal.
11. For the reasons detailed above the proposal would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policy D3 of the London Plan 2021 (LonP) , Policies CS1 and CS5 of the Barnet's Core Strategy 2012 (CS) and Policy DM01 of Barnet's Development Plan Document 2012 (DPD). These policies require, amongst other things, that new development represents high quality design which is appropriate for its context, reflects local character and respects the appearance and pattern of surrounding buildings.

Living conditions of occupants of neighbouring properties

12. There are existing windows on the side elevation of the host property. The submitted details show these serve habitable rooms, including a living room and kitchen at ground floor level and bedrooms at first and second floor levels. The proposed dwelling would be located a very short distance outside those windows at ground and first floor levels in particular. Although those rooms are served by other small front and rear facing windows, this would have a significant harmful effect on outlook from the side facing windows of 53 Brent View Road (No. 53). The loss of outlook which would be experienced by occupants of No. 53 would be so significant that it would cause unacceptable harm to their living conditions.
13. I have been referred to an extant planning permission for the erection of an extension on the rear elevation of the host property and the rearrangement of windows. While the planning history of a site is a material consideration, based on the evidence before me and my own observations, those works have not been completed. I do not consider an enforceable condition could reasonably require such works to be completed before the proposed development. Therefore, the planning permission I have been referred to is of limited weight and my assessment is mainly based on the site as existing.
14. The eastern side elevation of the proposed dwelling would occupy much of the western boundary of Spruce Lodge, which is a purpose built block of flats with garden area. The orientation and siting of the proposed dwelling would be such that it would overshadow the garden area of Spruce Lodge for prolonged periods at the end of each day. Also, due to the limited separation distance between the proposed dwelling and Spruce Lodge the proposed eastern elevation wall would have a harsh overbearing impact. The proposal would therefore significantly reduce the outlook and daylight/sunlight enjoyed by residents of Spruce Lodge and would cause unacceptable harm to their living conditions.
15. For the reasons detailed above the proposal would have an unacceptable harmful effect on the living conditions of the occupants of neighbouring properties at No. 53 and Spruce Lodge in regard to outlook, daylight and sunlight. It would therefore conflict with Policies D3 and D6 of the LonP, Policy CS5 of the CS, Policies DM01 and DM02 of the DPD and the associated guidance provided within the Council's Supplementary Planning Document: Residential Design Guidance 2016 (RDG SPD). These policies seek to ensure development allows for appropriate outlook, daylight and sunlight to neighbouring properties and the maximisation of the usability of external amenity areas.

Highway Safety

16. Streets surrounding the appeal site are within a Controlled Parking Zone (CPZ). The proposal includes the provision of a single parking space, which would encroach on the entrance path to the dwelling. The Council has advised that up to 1 parking spaces should be provided for the host property and the proposed dwelling each to comply with Policy T6.1 of the LonP, which sets out the relevant residential parking standards. Alternatively, to avoid unacceptably increasing on-street parking stress, the proposal should comprise a car-free scheme secured by a legal agreement to restrict future occupants applying for parking permits within the CPZ.

17. Based on the evidence before me, the proposal would provide insufficient off-street parking to serve the host dwelling and the proposed dwelling. Notwithstanding the appeal site's PTAL and proximity to local services, it is therefore likely that the proposal would increase on-street parking stress in the local area, to the detriment of highway safety.
18. For the reasons set out above the proposal would have an unacceptable harmful impact on highway safety, with particular regard to parking. As such it would conflict with Policies T4, T6 and T6.1 of the LonP, Policy CS9 of the CS and Policy DM17 of the DPD. These policies seek to ensure highway and pedestrian safety and encourage car-free development in areas that are well connected by public transport.

Living conditions of future occupants

19. As described above, the established pattern of development in the area is such that most properties have long narrow rear gardens. 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 evidence before me states that that proposed development would have 55 square metres of external amenity space.
20. The Council state that, based on the internal floor area and the number of habitable rooms proposed, 85 square metres of external amenity space would be required to meet the minimum standards as set out in the Council's Supplementary Planning Document: Sustainable Design and Construction 2016 (SDC SPD). This figure is based on the proposed dwelling having seven or more habitable rooms, counting the open plan living area and two of the bedrooms as two habitable rooms each. Two of the proposed bedrooms would be marginally over 20 square metres in floor area, and I do not therefore consider it appropriate to assess those bedrooms as four habitable rooms. Further it is noted that the proposed dwelling would exceed internal space standards and, due to the layout of the development, the proposed rear garden would not be significantly overshadowed.
21. The proposed rear garden could comfortably accommodate the needs of a three bedroom five person household, as proposed. Based on the SDC SPD a dwelling with five habitable rooms would require 55 square metres of amenity space.
22. While the proposal would technically fail to accord with the guidance provided within the SDC SPD, for the reasons detailed above, it would provide adequate living conditions for future occupants, with particular regard to external amenity space. The proposal is in accordance with the aims of Policy DM02 of the DPD which requires that new housing development provides suitable living standards for future occupants, and this includes an adequate area of outdoor amenity space.

Other Matters

23. The development would make a very modest positive contribution to the supply of housing in an accessible location. I therefore assign only a very modest weight to this argument in favour of the proposal, even with regard to the the Framework, the Council's Housing Delivery Action Plan 2021, Policy H2 of the LonP and Policy CS4 of the CS, as referred to by the appellant.

24. The absence of harm in terms of privacy and the potential for overlooking between future occupants and the occupants of neighbouring properties is a neutral factor which weighs neither for nor against the proposal.

Conclusion

25. I have found the proposal to be acceptable in terms of the living conditions of future occupants. However, my conclusion that the proposal would be materially harmful in terms of character and appearance, the living conditions of the occupants of neighbouring properties and highway and pedestrian safety and the free-flow of traffic; brings the scheme into conflict with the development plan taken as a whole.
26. The conflict with the development plan, and the associated harm are significant. 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