



Appeal Decision

Site visit made on 6 December 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 04 January 2024

Appeal Ref: APP/N5090/W/23/3323056 178-178A East Barnet Road, Barnet EN4 8RD

- 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 S Mirshahi (Arrowise Crop) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/0182/FUL, dated 16 January 2023, was refused by notice dated 13 March 2023.
 - The development proposed is described as 'Two storey rear extension. First floor side extension. New mansard roof extension with 3no. front and rear dormer windows. Internal reconfiguration to provide 4no additional self-contained units to provide a total of 6no self-contained units. Provision of refuse and cycle storage and off-street parking.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development and site address have been taken from the Council's decision notice as these are more accurate and succinct than those in the application form.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

4. The main issues are the effect of the proposed development on: the character and appearance of the host property and surrounding area; the living conditions of occupiers of Nos. 176 and 180 East Barnet Road with regard to outlook and light; the living conditions of future occupiers of the proposal with regard to light, amenity space provision and ceiling heights; and parking and highway safety.

Reasons

Character and appearance

5. The site is a detached two storey property on the western side of East Barnet Road. The area is mixed in nature, comprising a range of property forms and uses. The site is notable within its immediate row due to its detached nature,

plot width, side vehicle entrance and fenestration placement and design. Nevertheless, this grouping of properties on the western side of East Barnet Road remain modest in appearance along their front elevation, primarily sharing a simple shape and design with shallow roof pitches. The appeal property's separation from dwellings on either side allow its uncomplicated frontage to be appreciated, contributing positively to the immediate group.

6. The proposal seeks to reconfigure the appeal property into numerous self-contained flats which would, among other things, include a two storey rear extension, first floor side extension and new mansard roof extension with three front and rear dormer windows. While the sizeable rear extension and extensive flat roof would not be visible from East Barnet Road, clear views of this would be possible from Henry Road. Even among varied built form and noting the dimensions of the appeal site, from this location the combination of the proposed bulk, depth and flat roof of the rear extension would nevertheless appear overwhelming and unduly prominent, to a much greater degree than the properties among which it would be experienced.
7. The side extension would be flush with the front of the appeal property at first floor, and would leave a gap at street level for vehicles. While a similar vehicular entrance exists on Henry Road, these are not defining or common characteristics of the immediate area. The upper level built form would reduce the spacing between the neighbouring properties, altering the modest and uncomplicated frontage at the site. With no setback from the front elevation of the appeal property, it would fail to read as subordinate but rather would introduce an incongruous and prominent feature at the site. Even among the varied frontage of East Barnet Road, and within the dimensions of the appeal site being wider than neighbouring plots, the design and placement of the side extension would read as visually jarring.
8. My findings that these elements of the proposal would be visually harmful are supported by the Barnet Local Plan Supplementary Planning Document Residential Design Guidance 2016 (the RDGSPD). This states that flat roofs are not normally acceptable on two storey rear extensions, and that first floor side extensions should be set back from the front wall of the property by one metre. The proposal would fail to follow this, and while it is guidance rather than policy, it remains a material consideration.
9. The proposal would also result in a mansard roof with front and rear dormer windows. While such roofs can be acceptable on certain properties, in the context of the detached appeal property located in a group of buildings with largely consistent shallow roof forms and free from front dormers, it would read as bulky and out of place. It would sit particularly close to the roof at No. 180 East Barnet Road, reducing the separation distance between these properties, alongside which its dominant and incongruous nature would be highlighted. I note other roof forms in the wider East Barnet Road, including the flatted development opposite and other examples of dormer additions. Nevertheless, in its immediate context the proposed roof form would appear complicated and visually disruptive to the streetscene.
10. Overall, the proposed extensions and external alterations would be substantial additions at the site, which would combine to significantly alter the character and proportions of the property. While the current design of the appeal property may differ from immediate neighbours, the proposal would result in a

substantially different form and external appearance, particularly from East Barnet Road, that would fail to successfully assimilate with immediately neighbouring development on this side of the street.

11. For the reasons given, the proposal would result in significant adverse harm to the character and appearance of the host dwelling and surrounding area. As such, there would be conflict with Policy D3 of the London Plan 2021 (the London Plan); Policy DM01 of the Barnet's Local Plan Development Management Policies Development Plan Document 2012 (the DMP); Policies CS1 and CS5 of the Barnet's Local Plan Core Strategy Development Plan Document 2012 (the CS); and the RDGSPD insofar as they seek to encourage high standards of design that respects and complements the existing character.

Living conditions – neighbouring occupiers

12. The proposal would introduce additional two storey built form along the boundary with No. 176 East Barnet Road. It would project approximately 5.3 metres from the rear wall of No. 176, extending beyond the first floor side facing window at this property, and feature a bulky and sizeable roof readily visible from the neighbouring rear garden.
13. Overall, this would appear as an overbearing structure when viewed from the rear garden and habitable rooms of No. 176, which due to its scale and proximity would create an undue sense of enclosure from these spaces. Even acknowledging the current variety of rear projections and extensions that exist in the area, including at the site, the additional bulk of the proposal would create an unduly imposing feature that would harm the living conditions of the occupiers of this neighbouring dwelling.
14. For similar reasons, the additional bulk and positioning of the proposal at each level, abutting the boundary of No. 176 and close to habitable room windows would also unduly restrict light. The extent and positioning of the increase in solid built form proposed would reduce the amount of time during which these spaces would receive direct sun, unduly impacting on the residents' enjoyment of the associated spaces.
15. The Council has also raised concerns that the proposal would impact on the living conditions of No. 180 East Barnet Road in a similar manner. However, even noting the addition of the side extension, the main bulk of the proposal to the rear of the appeal property would be set back from the boundary and dwelling of No. 180. This would ensure adequate separation distance so that the proposal would not appear overbearing or create a sense of enclosure at this property or rear garden.
16. For the reasons given, the proposal would not have a significant adverse effect on the living conditions of occupiers of No. 180 East Barnet Road with regard to outlook, but would have a significant adverse effect on the living conditions of occupiers of No. 176 East Barnet Road with regard to outlook and light. As such, it would fail to comply with Policy DM01 of the DMP; Policies CSNPPF, CS1 and CS5 of the CS; the RDGSPD; and the Barnet Sustainable Design & Construction Supplementary Planning Document 2016 (the SDCSPD) insofar as they seek to provide an attractive environment for people to live and to ensure development will allow for adequate outlook and light for adjacent occupiers.

Living conditions – future occupiers

17. Policy DM01 of the DMP is clear that development should retain outdoor amenity space, and Policy D6 of the London Plan similarly emphasises the importance of private, outside space. In this regard the Council has cited the guidance of the SDCSPD, which advises a minimum of 5sqm of outdoor amenity space per habitable room for flats.
18. However, in accordance with submitted plans the outdoor space at the proposal would be used for vehicle parking, such that no useable amenity space would be provided. I note that there is no outdoor space for occupiers of the property at present, but this does not in itself justify a lack of such space for future occupiers of the development. Even noting the urban surrounds and the availability of nearby open space, the proposal would not provide any private outdoor space to support the needs of future occupiers such as sitting out, hanging washing or storing and placing residential paraphernalia. In this regard, it would unduly impact the living conditions of future occupiers, reducing their enjoyment of the accommodation provided.
19. Policy D6 of the London Plan also states that the minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling. No substantive information has been provided in this regard. I note that the ceilings are to be the same as at the current properties but, due to the increased number of residential units there is nothing before me to conclude that these requirements are met by the proposal.
20. Concerns have also been raised regarding the living conditions of future occupiers of proposed flats 3 and 6 at the property, with regard to light. The SDCSPD advises that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room.
21. However, on the basis of the submitted information these flats would be served by windows of adequate dimensions to provide sufficient light levels to associated rooms. While the flats would be single aspect, numerous windows would be present along the front elevations and, although these are north facing, they would be set back from other elements of built form or other obstructions so as to ensure that light can reach the associated rooms. The windows provided, despite their single aspect and north facing nature, would not be so constrained as to unduly impact the light reaching these spaces.
22. For the reasons given, the proposal would not have a significant adverse effect on the living conditions of future occupiers with regard to light, but would have a significant adverse effect on the living conditions of future occupiers with regard to provision of outdoor amenity space. I also have insufficient information to conclude that the proposal would provide adequate ceiling heights. As such, it would fail to comply with Policy D6 of the London Plan, Policies CS1 and CS5 of the CS and Policy DM01 of the DMP insofar as they seek to provide an attractive environment for people to live and to ensure development will provide adequate private outdoor space.

Parking and Highway Safety

23. The proposal would provide parking for 6 cars within the site. Although the Council has stated this would be an over-provision of 2 spaces, the appellant is agreeable to a condition restricting the parking at the site to 4 spaces.

24. Nevertheless, it remains that limited substantive information relevant to this specific proposal has been provided in this regard, with no plan showing the precise dimensions of the parking bays or turning space, and no swept path analysis to demonstrate that vehicles would be able to enter and exit the site in forward gear. Given the well-used nature of East Barnet Road by vehicles and pedestrians, and the location of the site close to the junction with Henry Road, should vehicles associated with the proposed number of units not be able to enter and exit the site in forward gear, this would be rise to highway safety concerns.
25. I note the rear space is currently in use for parking, as observed on my visit. Nevertheless, it remains that following the erection of the additional rear built form of the proposal and the increase in occupation and associated vehicle movements that would arise, the information before me does not provide certainty that the proposed parking can be provided in a manner that would ensure the safe and efficient operation of the surrounding highway network or that this could be appropriately addressed by way of condition.
26. For the reasons given, I have insufficient information to conclude that the proposal would not result in harm with regard to parking provision and highway safety. As such, it would fail to comply with Policy T6.1 of the London Plan; Policies CS9 and CS15 of the CS; and Policy DM17 of the DMP insofar as they seek to ensure highway safety.

Other Matters

27. The main parties agree that the loss of ancillary Class E provision at the site would not be unacceptable. On the basis of my observations I have no reason to disagree. This represents a lack of harm, which is neutral in the planning balance. I further note that the appeal property is neither locally listed nor in a conservation area. Nevertheless, it remains that for the reason outlined above I have identified that it would result in harm to the surrounding character.
28. The proposal would result in additional residential units, adding to the housing mix and supply of the area, in a sustainable location within an established residential area, making efficient use of the site. This is a benefit of the scheme that, due to its overall level of contribution in this regard, attracts only moderate weight and would not outweigh the harm identified.

Planning Balance and Conclusion

29. I have found that the proposal would result in harm to the character and appearance of the area; to the living conditions of neighbouring occupiers of No. 176 East Barnet Road with regard to light and outlook; and to the living conditions of future occupiers of the proposal with regard to amenity space provision. I have also found that I have insufficient information to conclude that the proposal would provide adequate ceiling heights or that it would not cause harm to highway safety and parking provision.
30. I have found that the proposal would not cause harm to the living conditions of neighbouring occupiers of No 180 East Barnet Road with regard to outlook or to the living conditions of future occupiers with regard to light. This represents a lack of harm, which is neutral in the planning balance. Even when taken together with the above other matters, this does not outweigh identified harm.

31. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR