



Appeal Decision

Site visit made on 13 November 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9th January 2024

Appeal Ref: APP/N5090/W/23/3321647

Manaton, Holden Avenue, North Finchley, Barnet, London N12 8HX

- 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 Lawrence Tang against the decision of the Council of the London Borough of Barnet.
The application Ref 22/4578/FUL, dated 12 September 2022, was refused by notice dated 8 November 2022.
 - The development proposed is the construction of a two storey dwellinghouse with rooms in the roofspace. Associated amenity space, off street parking, refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has been taken from the Council's decision notice, as this is a more succinct description than that in the application form.
3. Various references have been made to Barnet's Draft Local Plan. However, I am not aware of the exact stage it has reached, the extent of unresolved objections or whether its policies will be considered as consistent with the National Planning Policy Framework. Consequently, I give it limited weight.
4. 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.
5. The site, together with the neighbouring property, is also the subject of another appeal, which has been dealt with in a separate decision letter¹.

Main Issues

6. The main issues are the effect of the proposed development on: the character and appearance of the area; and the living conditions of future occupiers with particular regard to outdoor amenity space provision.

¹ APP/N5090/W/23/3321657

Reasons

Character and appearance

7. The site is a semi-detached dwelling at the corner junction of Holden Avenue and Holden Road. The area is residential, with dwellings of various forms and designs. However, along Holden Road the properties share a level of consistency due to their notably predominant semi-detached nature. Although there is more variety along Holden Avenue, there remains a somewhat uniform building line on the east side of this street where the site is located, with the main built form of the various plots set back from the highway.
8. The proposal seeks to construct a two-storey dwelling in the west of the site. It would mirror the design, scale, and massing of the existing semi-detached dwelling, reflecting the appearance of the front and rear facades of the immediately adjoining dwellings. Nevertheless, the proposal would result in a terraced row of dwellings when combined with the properties of Manaton and Shanklin. Situated among the primarily semi-detached pairs of dwellings on Holden Road, this would create a jarring feature, particularly prominent due to its corner plot location. In this respect, it would appear out of place and fail to respect the predominant character of the street.
9. A group of three terraced properties is present across from the site at the junction of Holden Road and Avondale Avenue. However, there remains a setback in this frontage such that from Holden Road an element of separation allows these to be experienced as though it were two semi-detached and one detached property, more reflective of the pattern of the street. There would be no such visual relief along the frontage created by the proposal, resulting in an incongruous terracing effect and leading to the proposal appearing cramped and contrived within the frontage.
10. I note that the generous side garden at the site would allow for the proposed corner plot dwelling to be set back from Holden Avenue, and further observed the gable end terrace at the nearby junction of Holden Road and Avondale Avenue. However, it remains that the setback of the proposal from Holden Avenue would not be comparable to the other development on this side of the street. It would sit noticeably forward of the established building line, failing to respect the pattern or placement of development in this location. As such, even acknowledging the possibility for the proposal to open up the frontage of the site, it would result in visual harm for these reasons.
11. For the reasons given above, the proposal would result in significant harm to the character and appearance of the area. As such, it would fail to comply with Policy CS5 of the Barnet Local Plan Core Strategy Development Plan Document 2012, Policy DM01 of the Barnet Local Plan Development Management Policies Development Plan Document 2012 (the DMP) and the Residential Design Guidance Supplementary Planning Document 2016 (the RDGSPD) insofar as they seek to ensure development is of a high quality design that preserves local character and respects the context, appearance and pattern of streets.

Living Conditions

12. Policy DM02 of the DMP states that, with regard to outdoor amenity space provision, development should comply with the standards as set out in the Sustainable Design and Construction Supplementary Planning Document 2016

(the SDCSPD). This states that for houses of seven or more bedrooms an area of 85sqm of outdoor amenity space should be provided.

13. The main parties agree that the proposal would be for a house of seven or more bedrooms and that 85sqm of outdoor amenity space would be required. The appellant contends that the proposal, in providing 100sqm of such space, would comply with this figure. However, the SDCSPD is clear that in calculating outdoor amenity space the following areas will not be counted as usable: driveways, vehicle parking areas or hard standings, cycle storage areas and refuse storage areas. Consequently, the proposed shed, cycle store, bin store and car park areas as demonstrated on the submitted plans would not be counted as useable outdoor amenity space.
14. In addition, the SDCSPD refers to the RDGSPD with regard to the useability of outdoor space. This states that narrow amenity spaces would also not be considered to count towards useable outdoor amenity space, such that the narrow area with flowerbed and modest front lawn to the side and front of the dwelling would also not contribute in this regard. As such, on the basis of the submitted plans, only the rear patio and rear lawn would make up the outdoor amenity space of the proposal.
15. Paragraph 8.13 of the RDGSPD is clear that rear private gardens should provide adequate space for day to day uses such as a table and chairs for outdoor dining, clothes drying, relaxation, and safe children's play. In light of the above, the proposed rear gardens as usable for outdoor amenity space, encompassing the lawn and patio, would not adequately accommodate these needs for a dwelling of the size proposed, given the possible level of occupation.
16. For the reasons given, the proposal would cause significant harm to the living conditions of future occupiers with regard to outdoor amenity space provision. As such, it would fail to comply with Policies DM01 and DM02 of the DMP, the RDGSPD and the SDCSPD insofar as they seek to ensure high quality design that provides adequate outdoor amenity space provision.

Other Matters

17. The proposal would contribute to the housing mix and supply of the area, providing a family sized dwelling of a nature that is to be prioritised for market housing in a sustainable location within an established residential area, making efficient use of the site. While this is noted, given its single dwelling nature, overall this benefit attracts only moderate weight, which would not outweigh the harm identified above.

Conclusion

18. 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