



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/23/3321657

Manaton and Shanklin, Holden Avenue, 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 22/4720/FUL, dated 12 September 2022, was refused by notice dated 31 January 2023.
 - The development proposed is the demolition of two existing semi-detached houses and creation of 8 no. two storey self-contained flats with rooms in the roofspace. Associated cycle storage, parking, refuse, recycling and amenity area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address and description of development has been taken from the Council's decision notice, as these are more accurate 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.
4. 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 Framework. Consequently, I give it limited weight.
5. Part of the site 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; the living conditions of future occupiers with particular regard to outdoor amenity space provision; parking provision and highway safety; and trees.

¹ APP/N5090/W/23/3321647

Reasons

Character and appearance

7. The site is a pair of semi-detached dwellings at the corner junction of Holden Avenue and Holden Road. The area is residential, with dwellings of various forms and designs. However, Holden Road 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 would demolish the existing semi-detached properties at the site and construct eight self-contained flats. It would be of a height that would reflect surrounding development and be constructed from a sympathetic brown brickwork.
9. Nevertheless, the proposal would result in a large, singular building with somewhat central entrance, visually distinct from the semi-detached dwellings of Holden Road, alongside which it would primarily be experienced. Other apartment buildings are present nearby, most notably at the corner junction with Avondale Avenue and along Holden Avenue. While the proposal would reflect the height, scale and massing of these, it would also incorporate design elements that would appear out of place positioned along its front elevation.
10. Front dormers are not a common or defining feature of this part of Holden Road and the sizeable front dormers proposed, together with the street-facing balconies and associated access doors, would be visually discordant and incongruous elements, particularly dominant due to the corner plot of the site. Combined with the central gable which, although a feature of the surrounds, would rise above the main ridge of the building in an incongruous fashion, from Holden Road the proposal would overall read as an unduly large and busy frontage with numerous design elements that fail to successfully integrate with the existing character of the street.
11. The rear elevation of the proposal would be experienced primarily from Holden Avenue, which has a more varied character with examples of dormer additions, balconies and associated access doors clearly visible from and alongside the site. In this sense, the design elements of the rear elevation of the proposal would not appear unduly out of place from this viewpoint. However, 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. Even acknowledging the remaining green buffer and proposed landscaping, through the introduction of significant additional built form and hardstanding within the confines of the site and located close to the highway of Holden Avenue, it would overall appear cramped and overdeveloped in context.
12. 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 (the CS), 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 appearance and pattern of streets.

Living Conditions

13. 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 flats, a minimum of 5sqm of outdoor amenity space per habitable room should be provided and 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 cycle store, bin store, driveway and front pathways as demonstrated on the submitted plans would not be useable outdoor amenity space.
14. As such, only the modest lawn areas surrounding the driveway and pathways and the flowerbed areas have potential to make up the communal outdoor amenity space of the proposal. However, in accordance with the RDGSPD, these areas would also provide limited useable outdoor amenity space due to their narrow shape. While Flats 3 – 8 also provide private amenity space for occupiers in the form of balcony areas, these balconies range from 6.1sqm to 8.5sqm which, relative to the habitable rooms provided in each corresponding unit, would both on their own and in combination with the limited communal space provided, still fail to meet the standards of the SDCSPD.
15. I note that the SDCSPD recognises that development such as flats may not always be able to provide amenity space to the standards outlined. However, it is clear that where these standards cannot be met and an innovative design solution is not possible, a planning obligation will be sought. There is nothing before me to demonstrate an innovative design solution relative to outdoor amenity space, nor do I have evidence of a planning obligation.
16. While the SDCSPD is guidance rather than policy, it remains a material consideration. On the evidence before me, the amenity space proposed would not adequately serve the needs of the future occupiers, given the amount of habitable rooms proposed and corresponding levels of possible occupation. The overall useability of the spaces would be limited and would be unlikely to comfortably support the level of outdoor uses reasonably expected by occupiers, such as sitting out, hanging out washing or the placing of other outdoor residential paraphernalia.
17. 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.

Parking Provision and Highway Safety

18. The site has a Public Transport Accessibility Level (PTAL) rating of 2-3 and is located within a Controlled Parking Zone (CPZ) that operates from Monday – Saturday inclusive between 0900 – 1700 hours, with single yellow lines and

limited parking bays surrounding the site. At the time of my visit the CPZ was in operation, with the available bays being heavily parked.

19. Policy DM17 of the DMP states that development should provide parking in accordance with the London Plan standards, except in the case of residential development, and sets out maximum parking standards. In the case of the development this requires between 7 and 12 parking spaces, with the Council stating that 10 spaces would be acceptable. In accordance with the submitted plans, 8 parking spaces would be provided at the proposal. Policy DM17 states that residential development may be acceptable with limited or no parking in a CPZ, where it can be demonstrated that there is insufficient capacity on street applicants will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits.
20. Based on my observations and the information before me, there is nothing substantive for me to disagree with the Council's position that 10 parking spaces would be required for the proposal. I note that 8 parking spaces would still fall within the maximum range of 7 – 12 as per Policy DM17. However, based on the potential level of occupation and the PTAL of the area, these spaces, one of which would be designated as disabled parking, would be unlikely to accommodate the needs of 8 separate households. There is no guarantee that future occupiers of the proposal will not have access to a car, with many of the flats having multiple bedrooms and as such potential for occupation by multiple individuals with separate daily routines.
21. Even acknowledging the Transport Statement submitted, I am concerned that the proposal would lead to additional parking pressures that could not be accommodated in the CPZ, and the proposed cycle storage and proximity of the underground station would not overcome my concerns in this regard. Any additional demand for the existing parking bays that, on my observations appear to be well-used, would lead to an inconvenience to road users and the potential to impact the safe and efficient operation of the immediate highway network. Furthermore, there is no evidence of a legal agreement to restrict future occupiers from obtaining on street parking permits.
22. The Council raises further concerns regarding the crossover serving four parking spaces off Holden Road. The Council provided a copy of its Vehicle Crossover Application Guidance Notes, which the appellant has had the opportunity to comment on. This states the maximum crossover width should be 4.8m with a minimum gap of 1.8m between crossovers. This policy is a material consideration that the proposal would fail to comply with. In providing a continuous crossover accommodating these four car parking spaces at the front of the site the proposal has the potential to give rise to highway and pedestrian safety issues.
23. For the reasons given, the proposal would result in significant adverse harm with regard to parking provision and highway safety, As such, it would fail to comply with Policy T6.1 of the London Plan 2021, Policies CS9 and CS15 of the CS, and Policy DM17 of the DMP insofar as they relate to parking provision and ensuring highway safety.

Trees

24. The supporting text to Policy DM01 of the DMP states that trees should be retained wherever possible and that any removal must be justified. The

Council's Officer Report raises concerns that the Tree Protection Plan does not capture the full extent of the relationship between the root protection area of this tree and the proposed no dig hardstanding in this location. However, the appellant's Arboriculture Impact Assessment notes that this tree is to be removed, citing its moderate value, poor structural condition and significant basal defect. Based on my observations, and in the absence of substantive evidence to the contrary, I have no reason to doubt the findings of this report.

25. I observed the tree to have limited amenity value. Although located to the rear of the site I did not find that it played a significant role in demarcating the shift in development along Holden Road and Holden Avenue. Rather, the separation distance between the rear elevation of the appeal properties and The Gables is the defining feature that establishes this change in character. T1, located some distance from the street, makes minimal contribution in this regard and offers limited screening potential for residents of these dwellings.
26. Furthermore, while the Council has concerns regarding the lack of replacement soft landscaping, had the proposal been acceptable in all other aspects I am satisfied that this could have been dealt with by an appropriately worded planning condition requiring submission and approval of such a scheme.
27. For the reasons given, the proposal would not result in significant adverse harm to trees. As such, it would comply with Policy CSNPPF of the CS, Policies DM01 and DM16 of the DMP and the RDGSPD insofar as they relate to trees.

Other Matters

28. The proposal would contribute to the housing mix and supply of the area, in a sustainable location within an established residential area. While this is noted, overall this benefit attracts only moderate weight, which would not outweigh the harm identified above.

Conclusion

29. I have found that the proposal would not result in harm to trees. This is a lack of harm which is neutral in the overall planning balance. Even when taken together with the other matters noted above, this would not outweigh the harm identified to the character and appearance of the area, the living conditions of future occupiers and parking provision and highway safety.
30. 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