



Appeal Decisions

Site visit made on 12 December 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal A Ref: APP/N5090/W/23/3324035

62 Gresham Gardens, Golders Green, Barnet, London NW11 8PD

- 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 ATZ Properties Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/0788/FUL, dated 24 February 2023, was refused by notice dated 17 May 2023.
 - The development proposed is erection of a 2 bedroom dwelling consisting of a ground floor and basement at the rear of 62 Gresham Gardens NW11 8PD fronting Wayside NW11 8QY.
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Appeal B Ref: APP/N5090/W/23/3330846

62 Gresham Gardens, Golders Green, Barnet, London NW11 8PD

- 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 ATZ Properties Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/3236/FUL, dated 25 July 2023, was refused by notice dated 19 September 2023.
 - The development proposed is erection of a single storey dwelling with basement level and associated lightwell. Associated off-street parking, amenity space and cycle storage.
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Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. As set out in the banner headings above there are two appeals relating to residential development at the site. Whilst both proposals relate to detached dwellings they differ in terms of their layout, position within the site and external appearance. I have determined each proposal on its individual merits, although I have dealt with issues common to both schemes together in the interests of conciseness and to avoid duplication.
3. An update to the National Planning Policy Framework (the Framework) was published on 19 December 2023. However, there are no material changes relevant to the substance of the appeal.

Main Issues

4. The main issues are:

- Whether the proposal would provide suitable living conditions for future occupiers of the dwelling, with specific regard to the basement rooms and provision of:
 - light, in respect of Appeal A; and
 - outlook, in respect of Appeal A and Appeal B.
- The effect of the proposal on the character and appearance of the area, in respect of Appeal A and Appeal B.

Reasons

Living conditions

5. Both appeals relate to dwellings comprising living accommodation at ground floor level with bedrooms at basement level. Although the basement layouts are different, both proposals provide 2 bedrooms, each served by a lightwell in a broadly similar position.
6. The Council's decision notice in respect of Appeal A refers to the light afforded to the basement rooms. Although not explicitly set out in the decision notice, based on the content of the Council's officer report and statement of case, the concern appears to be related only to daylight and not sunlight.
7. The planning application in respect of Appeal B was supported by an Internal Daylight Assessment (the IDA), which the Council concurred met minimum guidance values for target daylight factors, and accordingly the planning application relating to Appeal B was not refused on the basis of light.
8. A similar IDA was submitted with the appeal submission for Appeal A. Although the Council acknowledges in its statement of case for Appeal A that the IDA demonstrates both proposed rooms meet the guidance values for minimum target daylight factors, it does not explicitly confirm it would overcome the issue. However, based on the similarities between the schemes and the conclusions of both IDA reports, I find the Appeal A proposal would deliver adequate daylight for future occupiers.
9. Although the precise extent of outlook would differ slightly between the two proposals, the layouts are very similar and accordingly so too are the main considerations relating to this issue.
10. Both proposals would provide lightwells that would be covered by horizontally glazed walk-on rooflights. The lightwells would be separated from the main bedroom areas by folding doors. Due to this separation, direct outlook from the bedrooms would be limited to the areas in the immediate vicinity of the folding doors. Even moving a short distance away from this area would largely limit outlook to the solid walls of the lightwell, with the resulting outlook providing a stark and oppressive environment for occupiers.
11. The appellant considers that, because the primary function of the basement bedrooms would be for sleeping, both proposals would provide adequate outlook and meet the needs of occupants, whilst the ground floor

accommodation would provide a greater level of outlook. Whilst this may be sufficient for some occupiers, it assumes a rather narrow scope of the likely use of these rooms. Given the open plan layout of the ground floor and the unknown nature of potential occupiers, there is a strong likelihood that bedrooms would not only be used for sleeping, but also as a quiet retreat for occupiers to use for any number of purposes that may include working, studying, relaxing, or recuperating from illness. A reasonable level of outlook would invariably be a crucial factor in delivering acceptable living conditions in such situations.

12. I note the example cited by the appellant at 51 Finchley Lane incorporating basement lightwells. However, there are significant differences between the nature of the proposals and any weight attached to this example is limited such that it does not outweigh the harm I have previously identified.
13. For the reasons given above, both proposals would fail to deliver an acceptable standard of outlook for the basement bedrooms that would harm the living conditions of future occupiers and conflict with Policy D3 and D6 of the London Plan – March 2021 (the LP), Policy CS5 of Barnet’s Local Plan (Core Strategy) Development Plan Document – September 2012 (the CS), and Policy DM01 of Barnet’s Local Plan (Development Management Policies) Development Plan Document – September 2012 (the DMP). Together these policies seek, in respect of this issue, for developments to deliver appropriate outlook, privacy and amenity, and to create an accessible safe and attractive environment for people to live. The proposals would also conflict with the provisions of the Supplementary Planning Document: Sustainable Design and Construction – October 2016 (the SDCSPD) and the Supplementary Planning Document: Residential Design Guidance – October 2016 (the RDGSPD), which have similar aims.

Character and appearance

14. The appeal site comprises the rearmost part of the residential garden of No 62 Gresham Gardens, which lies on the corner of Gresham Gardens and Wayside. I note No 62 benefits from recent consents for various works to the property including extensions and alterations. At the time of my visit it was evident that recent works had taken place and they appeared to be complete. A fence had also been erected to separate the proposed rear boundary of No 62 from the appeal site. As such, the appeal site and No 62 appeared wholly separate, with independent access available from Wayside.
15. Immediately to the northwest of the appeal site is Nusbaum House, a single-storey dwelling I understand to have been constructed in relatively recent years. This sits on land that appears to have previously formed part of the rear gardens of dwellings on Ridge Hill, which is the street running to the rear of Gresham Gardens. As such, the plot has some similarities to the appeal site. Nusbaum House faces on to Wayside in a similar manner to both appeal proposals.
16. The dwellings on Gresham Gardens feature substantial rear gardens extending to the corresponding rear boundaries of properties on Ridge Hill. However, the character of this corner plot has already been altered by the presence of Nusbaum House facing on to Wayside, which adds a street-fronting presence and makes a positive overall contribution to the area’s character. Although both proposals would reduce the depth of the garden of No 62, the retained

garden would still be of a good size and would provide ample space for recreation as well as appearing proportionate to the dwelling, even considering the recent extensions and alterations that have taken place.

17. Both appeal proposals would be of similar scale and layout. Although they would be of markedly different character and appearance to the original dwelling and its neighbouring properties on Gresham Gardens, both proposals would reflect the recently established character of the Wayside frontage and would be proportionate to the plot. Consequently, neither proposal would appear cramped, incongruous or unsympathetic. Each appeal proposal would incorporate a different approach to the roof design, but both would appear as single-storey dwellings when viewed externally and appear inclusive elements of the streetscape, being of similar scale and appearance to Nusbaum House and not dissimilar to several detached outbuildings in neighbouring gardens.
18. I note the concerns in respect of Appeal B that the submitted plans are inaccurate, with specific regard to the width of the plot shown on the submitted plans, and how this relates to the fencing that has been erected to separate the appeal site from the garden of No 62 Gresham Gardens. However, I have based my decision on the submitted plans and I am satisfied that they are sufficient to enable me to determine the appeal. Although I did not undertake measurements at the site visit, the current position of the fencing appeared to broadly reflect the submitted plans. In any event, even if it was necessary to amend the current position of fencing to ensure compliance with the plans, such works would be relatively minor and would not alter my findings above.
19. For the reasons given above, neither appeal proposal would be harmful to the character or appearance of the area. Both proposals would therefore accord with Policy D3 of the LP, Policies CS1 and CS5 of the CS, and Policy DM01 of the DMP, which together seek, in respect of this issue, to respond to the existing character of a place, for housing to be high quality, to seek the highest standards of urban design, and to protect and enhance the gardens of residential properties. They would also accord with the provisions of the SDCSPD and RDGSPD, which have similar aims.

Other Matters

20. Both proposals would provide a new energy efficient dwelling in a suitable and sustainable location which would make a small contribution to the borough's housing stock and accord with the Framework's objective to boost the supply of homes. Whilst these benefits carry a small amount of weight in favour of the proposals, they would not outweigh the harm previously identified.

Conclusion

21. For the reasons given above, although I have identified no harm in respect of character or appearance, both proposals would conflict with the development plan as a whole. There are no other material considerations, including the Framework, that would lead me to a decision other than in accordance with the development plan. I therefore conclude that both appeals should be dismissed.

P Storey

INSPECTOR