
Appeal Decision

Site visit made on 6 February 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2024

Appeal Ref: APP/N5090/W/23/3324167

4 The Fairway, Mill Hill, London NW7 3HJ

- 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 Manish Patel against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/0125/FUL, dated 11 January 2023, was refused by notice dated 5 May 2023.
 - The development proposed is the creation of a four-bedroom dwelling in the side garden of the existing property with associated subdivision of the site and creation of 2 car parking spaces.
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Decision

1. The appeal is dismissed.

Procedural matters

2. While the address of the site is given as 4 The Fairway, I note that the existing building is split into 2 flats, which are referred to 2 and 4 The Fairway.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. The Framework does not raise any new matters that are determinative to the outcome of this appeal.

Main issue

4. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

5. The appeal property is 2-storey semi-detached building that occupies a large prominent plot at the junction of The Fairway, Westmere Drive and Ellesmere Avenue within a predominantly residential area. It stands at the end of a row of semi-detached pairs that are set back from the road behind gardens, a footway and grass verge. Within the wider area, buildings vary in scale, design and general appearance. Consequently, there is some variety to the existing built form in the local area to which the site belongs.
6. The proposal is to erect a 2-storey dwelling within the side garden of Nos 2-4, with the site sub-divided between the new and existing buildings. The new addition would essentially mirror the form, layout and pattern of fenestration of Nos 2-4 with matching external materials and similar features such as a hipped

roof and a 2-storey bay. Gardens would be provided on 3 sides of the new addition with ample space at the rear for a cycle store and off-road parking.

7. A substantial new built form would be introduced into generally undeveloped space that, at present, makes a significant and positive contribution to the local area. It does so by adding to a sense of openness next to the junction notwithstanding the partial enclosure of the site by a timber fence. It also establishes a clear visual break between existing building and the road, which appears to be a feature of the row of pairs to which Nos 2-4 belongs and corner plots within the wider residential estate. Having carefully viewed the site from the adjacent highways, I have little doubt that the new building would curtail views into and across the site from the road and significantly erode the spacious feel in the local street scene.
8. The new addition would also extend across almost the full width of the new plot. It would occupy a significant part of the site with a front corner of the proposed building close to the adjacent footway and shallow garden to the side. With limited space to one side, the proposal would appear to occupy a restricted plot. By adding a new dwelling in this way, the proposal would relate uneasily with the more spacious pattern of existing development, in which buildings on corner plots are generally set back from the road.
9. For all these reasons, the appeal scheme would appear as a visually disruptive and uncharacteristic intrusion into what is otherwise largely open land. This impression would be most pronounced along The Fairway as it curves around the site with an area of open space beyond. It would also be evident on the immediate approach to the site along Ellesmere Drive.
10. Reference is made to several examples of new dwellings that have been introduced on site within and beyond the Borough, with some photographs and information provided. I have carefully considered each of these examples, which are put forward as precedents. However, in the absence of full details to these cases, I cannot be certain that their circumstances are the same or very similar to those of the proposal. None occupy the same street scene as the site. As such, I am unable to attach more than limited weight to these examples in support of the appeal. In any event, each development should be assessed on its own planning merits, which I have done.
11. On the main issue, I conclude that the proposed development would materially harm the character and appearance of the local area. Accordingly, it is contrary to Policy D3 of The London Plan, Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) and Policy DM01 of Barnet's Local Plan (Development Management Policies). These policies aim to ensure that new development represents high quality design, preserves or enhances local character and respects local context. These principles underpin the advice within the Council's Supplementary Planning Document, *Residential Design Guidance* (SPD), with which the proposal would also conflict.
12. I note that the Council provided pre-application advice with regard to a larger residential scheme on the site and that the proposal was amended in the light of the feedback given. The appellant has therefore sought the Council's views and has refined the development in the light of that feedback. Once complete, the proposal would add to the supply of housing in the local area and provide a new home with 4-bedrooms, which the Council has identified to be the highest priority. I have no doubt that the accommodation, parking, storage of refuse

and amenity space provided would meet appropriate design standards. The scheme would also make efficient use of garden land that is large, under used and difficult to maintain. However, these considerations do not outweigh the significant harm that I have identified in relation to the main issue.

13. An interested party raises additional concerns including the effect of the proposal on pollution, access, noise and general safety. I have considered these matters along with all the submitted evidence. However, given my findings on the main issue, these considerations have not been critical to my decision.

Conclusion

14. The proposed development would conflict with the development plan, as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
15. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR