



Appeal Decision

Site visit made on 29 January 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2024

Appeal Ref: APP/N5090/W/23/3329084

11 Strathmore Gardens, Finchley, Barnet, London N3 2HL

- 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 OC Brother Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/1795/FUL, dated 24 April 2023, was refused by notice dated 21 June 2023.
 - The development proposed is the demolition of existing house and construction of two 3 bedroom houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - whether sufficient information has been submitted to assess the impact of the proposal on biodiversity.

Reasons

Character and appearance

4. The application site is located within a residential area comprising of 1930s two-storey terraced housing, set in a linear pattern of development. The appeal relates to one of two dwellings that were constructed in the 1980s as an infill development and are bound on all sides by the rear elevations of the properties on the surrounding streets. They have no formal road frontage and are accessed via Strathmore Gardens, which also provides access to the rear gardens and garages of the surrounding properties.
5. Both 11 Strathmore Gardens (No.11) and the neighbouring property 15 Strathmore Gardens (No. 15) are single storey, detached and are finished in beige brick with concrete roof tiles. The proposal is for the demolition of No.11

and its replacement with two semi-detached properties, which would be single storey with accommodation in the attic. The appellant states that the pitch of the proposed dwellings reflects that of properties in the surrounding area.

6. While the replacement dwellings would be of a comparable width to surrounding properties, they would be lower, resulting in a top heavy appearance. Further, the dominance of the roof would be exacerbated by the large dormers that would extend from almost the entire length of the roof plane to the front and rear. This would result in a development that would appear cramped and imposing within the contained site.
7. It is acknowledged that No.11 is of limited architectural merit, and although it reflects No.15, it does not relate to the wider area both in terms of layout and design. Therefore, in this particular instance, it is not necessary for the replacement development to reflect the existing property. However, while there may be scope for a development of a more unique design in this location, this should not be at the expense of the overall design quality.
8. For the reasons detailed above the proposed development would have a harmful effect on the character and appearance of the area. The proposal is contrary to Policy D3 of the London Plan 2021 (LonP), Policies CSNPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 and Policy DM01 Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP), these policies are consistent with the NPPF in requiring high quality design; that proposed developments are attractive and respond to local distinctiveness through their appearance and shape with due regard to street hierarchy, forms and proportions.

Biodiversity

9. The proposed development would involve the demolition of an existing dwellinghouse, with an intact roof. The Council claims that this may result in harm to bats and their roosts or nesting birds. I have not been provided with any evidence to suggest otherwise.
10. In such instances an Ecological Appraisal, carried out by a competent person, could demonstrate that that the development would not lead to the destruction of breeding or resting places of bats or any other European Protected Species (EPS), and that suitable mitigation measures could be put in place where necessary.
11. The appellant has indicated a willingness to provide an Ecological Appraisal, but it is essential that the presence or otherwise of EPS is established before planning permission is granted. Therefore, an Ecological Appraisal cannot be required by a planning condition in this case.
12. For the reasons detailed above insufficient information has been submitted to allow me to assess the impact of the proposal on biodiversity. The proposal is therefore contrary to Policy G6 of the LonP and Policies DM01 and DM16 of the DMP. These policies require that the impact of development on EPS is assessed in accordance with legislative requirements and retains existing wildlife habitats and biodiversity.

Other Matters

13. The proposed dwellings would provide acceptable living conditions for future occupants and would meet minimum requirements in terms of gross internal floor area and ceiling height. There is also proposed parking provision for two cars within the application site and there are no highways concerns in relation to the proposal. However, the absence of harm in these respects are neutral factors which weigh neither for nor against the proposal.
14. The development would make a positive contribution to the supply of housing in an accessible location. However, neither this or the other matters detailed above alter my reasoning in relation to the main issues, as set out above.

Conclusion

15. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

C Livingstone

INSPECTOR