



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: 13th March 2024

Appeal Ref: APP/N5090/W/23/3327281

27 Dale Grove, North Finchley, Barnet, London N12 8EE

- 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 c/o Agent DPA (London) Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/2504/FUL, dated 8 June 2023, was refused by notice dated 31 July 2023.
 - The development proposed is described as 'the erection of a detached single family dwelling together with parking and landscaping, following the demolition of the existing out-building.'
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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 proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupants of No 27 Dale Grove (No 27) with regard to external amenity space; and
 - whether the proposed development would provide acceptable living conditions for its future occupiers in terms of light and outlook.

Reasons

Character and appearance

4. The application site is in a residential area, comprising of mainly two storey, semi-detached and terraced properties with attractive bay frontages that face the road. Spaces between buildings are limited so that the street appears built up. In contrast most properties have relatively large rear gardens some with ancillary sheds and outbuildings that occupy a small proportion of the space. The rear gardens provide a spacious backdrop to the densely built development along the street frontages within the area. Their mature and attractive appearance is apparent from surrounding properties and contributes to the area's character and appearance.

5. No.27 is a traditional end of terrace dwelling. It has an existing access from Dale Grove which runs close to the gable end of the property and provides access to the rear. At the time of my site visit construction work was taking place to the rear of No.27. However, the land to the rear of the property is clearly currently private garden ground and includes ancillary outbuildings along the rear boundary.
6. The proposal is for the removal of the existing outbuildings to allow for excavation of the site to create a dwellinghouse over two floors, one above ground and one below. The proposed dwelling would face the rear elevation of No 27 and would be accessed via the existing access. Although limited in its overall height and massing above ground the proposed dwelling would be noticeably higher than the surrounding boundary treatment and prominent in its local context. This would be exacerbated by the form and design of the proposed dwelling which would be a distinct departure from the architectural style of the majority of the surrounding properties. Further, the development would introduce significant areas of hardstanding and retaining walls which would notably alter the garden character of the site. As a result, the proposed dwelling would appear as a prominent and incongruous feature which would detract from the open, spacious, and mature rear garden environment and would be detrimental to the established pattern of development.
7. I appreciate that due to its siting and design the proposed dwelling would not be a significant feature within the street scene. Nevertheless, it would appear prominent and out of place when viewed from the rear of the surrounding properties and, given the constrained nature of the site and proposed hardstanding and retaining walls, providing landscaping would not ameliorate these concerns.
8. For these reasons the proposed dwellinghouse would have a harmful effect on the established pattern of development and would be detrimental to the character and appearance of the area. The proposal is therefore contrary to Policy D3 of the London Plan (2011) (LonP), Policy CS5 The Enfield Plan Core Strategy 2010-2025 2010 (CS), Policy DM01 of the Improving Enfield Development Management Document (DMD) 2014 (DMD). These policies require new development to respect local context and have due regard to existing and emerging street hierarchy, building types, forms and proportions; and be based on understanding of local characteristics.

Living conditions of neighbours

9. As detailed above the majority of properties in the area have relatively large rear gardens that adequately accommodate the needs of occupants. The proposed development would take up a large area of the rear garden of No 27. A small garden to the front of the existing property is bound by a low wall and is used for the storage of bins. The existing access to the side of No 27 is hard surfaced and would provide vehicular and pedestrian access to the proposed dwelling.
10. Both the front garden and driveway service the house, are open to public view, and do not constitute private outdoor amenity spaces. The retained outdoor amenity area for No 27 would meet the minimum area requirement of 40 square metres as set out within section 2.3 of the Local Plan Supplementary Planning Document: Sustainable Design and Construction 2016 (SPD). However, there is extant planning permission for the erection of two extensions

to No 27. If these extensions were erected the remaining outdoor amenity space for this property would be significantly lower than the minimum area required by the SPD.

11. A planning condition to restrict an extant planning permission would not meet the tests set out in paragraph 56 of the Framework, and there is no mechanism before me to prevent the approved extensions from being constructed. As such I am not satisfied the sufficient external amenity space would remain for No 27 to allow the occupants to carry out typical activities associated with a family home of this size including space for children to play, to hang out washing, or sit outdoors.
12. Therefore, the proposed development would have a harmful effect on the living conditions of the occupants of No 27 with regard to external amenity space. The proposal is contrary to Policies DM01 and DM02 of the DMD. These policies seek to ensure that new developments do not have a demonstrably harmful impact on residential amenity and should retain outdoor amenity space.
13. I do not have sufficient information before me to assess the proposal in relation to Policy D6 of the LonP. Policy CS4 of the CS does not relate specifically to the living conditions of neighbouring occupants.

Living condition of future occupants

14. As detailed above the proposal includes a lower ground floor, it also includes the erection of retaining walls to allow for the formation of a patio area at lower ground level and the installation of French doors and windows to serve this floor. Accommodation on the lower ground floor includes a bedroom that would be served by glazed French doors that face northeast and look out at the retaining wall.
15. The Council's concerns are centred on the acceptability of the lower ground floor bedroom. I accept that, due to the orientation of the French doors that would serve this room, future occupants would be likely to experience lower light levels than the other rooms on the lower ground floor. However, this room is modest, and the glazed doors would provide a relatively large opening, which would maximise available light. Further, the doors would open out on to an external amenity area and there is a degree of separation between the opening and the side retaining wall which is of a significant height. Given the particular site arrangement, size of the bedroom and the proposed French door opening I am satisfied that future occupants would have adequate light and a suitable outlook.
16. As such the proposed development would provide acceptable living conditions for future occupants in terms of light and outlook. Therefore, the proposal is in accordance with Policy D6 the LonP, Policy CS4 of CS, Policies DM01 and DM02 of the DMD. These policies require housing development to be inviting and designed to allow for adequate daylight, sunlight and outlook for future occupiers.

Other Matters

17. My attention has been drawn to similar developments to the rear of 22 Hutton Grove (approved 1995) and 40/42 Hutton Grove and 26 Dale Grove (approved in 2006) and 28 Dale Grove. These developments are outliers in relation to the predominant pattern of development and do not form a defining characteristic

of the area. Further, based on the evidence before me, they were approved prior to the adoption of the current development plan, or permitted through historical lawful development certificates. As such, these examples do not lead me to a different conclusion on the main issues.

18. Examples of other developments in the area, such as commercial buildings have been provided in support of the proposal. However, due to the nature of their current or former use, these sites are not comparable.
19. The absence of harm in relation to highways or other aspects of the living conditions of future occupants or the occupants of neighbouring properties are neutral factors which weigh neither for nor against the proposal.
20. The development would make a positive contribution to the supply of housing in an accessible location. However, in the context of a single dwelling these are matters to which I attribute limited weight.

Conclusion

21. The proposed dwelling would provide suitable living conditions for future occupants in terms of outlook and light within the bedroom. Nevertheless, the proposal would have a harmful effect on the character and appearance of the area and would have a detrimental effect on the living conditions of the occupants of No 27.
22. Overall, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

C Livingstone

INSPECTOR