



Appeal Decision

Site visit made on 13 February 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal Ref: APP/N5090/W/23/3327904

Garage Site, land rear of 35-49 Gainsborough Road, London N12 8AA

- 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 Ms Meghna Vadera of Goldie Developers Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/1730/FUL.
 - The development proposed is described as 'demolition of existing garages and erection of two x 2-storey buildings consisting of 9 self-contained flats (3 x 3-bed, 4 x 2-bed, 2 x 1-bed/1-person) all with private outside amenity space. Associated refuse and bicycle enclosures and soft landscaping. Car Free Development with S106 signed so unable to apply for residents parking permits'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the Council's decision notice more precisely reflects the location of the appeal site than that on the application form. I have therefore used it in the banner heading above. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect but there are no material changes relevant to the substance of the appeal.

Background and Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the neighbouring occupiers of Gainsborough Road and Netherfield Road, with particular regard to outlook;
 - the living conditions of future occupiers, with regard to private outdoor space and outlook; and
 - highway safety, in relation to car parking provision.

Reasons

Character and appearance

4. The appeal site is an area of hardstanding, accommodating two rows of single storey garages. It is located within a residential area and the site is bordered by the rear gardens of semi-detached and terraced dwellings and a single storey electricity substation. There are a number of extensions and alterations

to the rear of properties and several sheds and outbuildings in the gardens. However, the similarity in the general scale of the built form creates a sense of balance which contributes positively to the area. The gardens and low lying structures offer an element of spaciousness, providing relief from the otherwise dense built form of the locality.

5. The principle of residential development at the site is not in dispute. The proposal would introduce two buildings, relatively centrally within the site, albeit there would be limited set back from the boundary nearest Netherfield Road. The flats would achieve the required internal space standards and the two-storey buildings would be finished in a palette of materials to reflect the surrounding properties which would help to assimilate the proposal into the area. However, even though the proposed buildings would be of a lower height than the surrounding dwellings, the proposal would be a bulky, discordant addition in an area with an otherwise generally open character.
6. Irrespective of what proportion of the site area would be built on, the proposed buildings would have a large footprint and would be of a substantial size. The proposal would be at odds with the scale and massing of the existing sheds and outbuildings in the gardens that surround the site, to the detriment of the prevailing character and appearance of the area. The proposal would appear as a dominant development, eroding the existing spaciousness and failing to integrate satisfactorily with the surrounding area. In doing so the proposal would be contrary to the guidance within the Residential Design Guidance Supplementary Planning Document (2016) (Residential Design SPD) which advises that the design and layout of new development should be informed by the local pattern of development.
7. There are limited public views of the site from surrounding streets, and owing to its back land location, the site is not overtly prominent in the townscape. The proposal would, however, stand out as being visually incongruous when viewed from surrounding properties and gardens. The proposed landscaping and tree planting would not mitigate the harm identified. Underground cables would remain accessible and while I note that the area is not subject to heritage or other policy constraints, the proposal would nevertheless be visually intrusive.
8. I have considered the other examples of flatted development, of which there are several, and therefore a feature of the wider area. However, they are notably absent from the street scene immediately around the appeal site, which in any event, is defined by the rear gardens not the frontages of the surrounding streets. Flatted development does not therefore form part of the appeal site's immediate context. I note there is one example of a flatted scheme in a back land location. However, from the limited information before me this does not appear comparable in scale and massing and has not eroded the spaciousness at the site in the same way as the appeal scheme would. As such, these other examples do not lead me away from my above findings.
9. Overall, the proposal would be unduly harmful to the character and appearance of the area, in conflict with policies CSNPPF and CS1 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS) and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (DMP). Amongst other things, these policies require development to improve economic, social and environmental conditions and

conserve and enhance the distinctiveness of Barnet, through development that is based on an understanding of local characteristics, respecting the scale, mass, height and pattern of surrounding buildings, spaces and streets.

10. It would also be contrary to the guidance contained within the Residential Design SPD in relation to good design and enhancing local character.

Occupiers of Gainsborough Road and Netherfield Road– outlook

11. The Residential Design SPD advises that patterns of development have a vital role in influencing the perception of spaciousness and establishing outlook. Unlike the existing garages at the site, the proposed buildings would be set back from the shared boundary with properties on Gainsborough Road, which I observed to be on noticeably lower ground than the appeal site. However, while it may be that it would not be financially viable to incorporate basement floors into the design, the proposal's increased height would be appreciable in views from these properties and gardens, particularly for the occupiers of 51 Gainsborough Road, which is closest to the appeal site.
12. Despite the proposed landscaping, pleached trees and green roof, owing to the difference in ground levels and the increased height, the proposal would appear as a dominant and oppressive feature, narrowing the outlook experienced from the rear windows and the gardens of the properties on Gainsborough Road. There would be blank window openings to protect privacy and brickwork detailing to provide some interest, however the brick wall would, nonetheless, provide an uninviting outlook, and would not create a quality environment as required by the development plan.
13. Building 2 would have a limited set back from the shared boundary with 14 and 16 Netherfield Road, which have relatively short gardens. The full extent of the second floor of the side elevation would be readily apparent from the rear facing windows and gardens of No 14 and 16. As a result of the increased height, the visual change of the proposal would diminish the levels of outlook that could reasonably be expected by these occupiers.
14. As such, the proposal would unacceptably affect the living conditions of the neighbouring occupiers of Gainsborough Road and Netherfield Road, with regard to outlook. This would be in conflict with policies CSNPPF and CS1 of the CS and Policy DM01 of the DMP, insofar as they require development to improve economic, social and environmental conditions, create a quality environment and be designed to allow for adequate outlook for adjoining occupiers. It would also be contrary to the advice set out in the Residential Design SPD and the Sustainable Design and Construction Supplementary Planning Document (2016) (Sustainable Design and Construction SPD) relating to development ensuring occupiers have an acceptable outlook.

Future occupiers – private outdoor space and outlook

15. The Sustainable Design and Construction SPD advises that outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents. The SPD sets out that whatever form of provision is chosen it must be usable. It is not disputed that the proposal would meet the numerical requirements for outdoor amenity space. Nonetheless, while the open space provided would meet an element of residents' recreational or health and well-being needs, the SPD advises that outdoor

amenity space should be designed to cater for all household needs, including those of the elderly, young children and families. The relatively narrow, linear areas of open space would restrict the activities that could reasonably take place in them, thereby limiting their useability. Furthermore, the narrow width between the proposed building and the relatively tall pleached trees would create a largely uninviting space, indicative of the dominant development at the site created by the buildings' large footprints.

16. The living room areas of the ground floor flats in Building 1 are double aspect and would have generously sized windows. Given the set back from the boundaries the occupiers of these flats would have an acceptable level of outlook. While the bedroom windows of these ground floor flats would not be unduly small, these windows would provide limited views and outlook would be poor, looking as they would onto a boundary treatment at close range.
17. Therefore, the proposal would be harmful to the living conditions of future occupiers, with regard to private outdoor space and outlook, in conflict with policies CSNPPF and CS1 of the CS and policies DM01 and DM02 of the DMP. These policies, amongst other things, require development to improve economic, social and environmental conditions, create a quality environment, be designed to allow for adequate outlook for potential occupiers and comply with outdoor amenity space standards set out in the Sustainable Design and Construction SPD. It would also be contrary to the advice set out in the Residential Design SPD.

Highway safety

18. The appeal scheme is proposed as a car free development which would be located within a controlled parking zone (CPZ). The Council's highways officer raised no objection, subject to a Section 106 legal agreement being entered into to prevent future occupiers applying for car parking permits. This would ensure that the proposal would not result in an increase in on-street parking that would be harmful to highway safety. While the appellant has stated their willingness to enter into a legal agreement, no such obligation is before me.
19. There would not be any off-street parking provided as part of the scheme, and as such, the proposal would have the potential to generate additional demand for parking which could lead to on-street parking within the vicinity of the site within a CPZ. I observed the presence of on-street parking in the surrounding streets and have also seen the concerns of a large volume of third parties in respect of the limited availability of on-street parking in the area. Given the scale of the proposal, the additional demand for parking in the surrounding streets would interfere with the free flow of traffic and pedestrian safety.
20. Consequently, in the absence of a mechanism to secure a car free development, the proposal would be harmful to highway safety, in relation to car parking provision. This would conflict with Policy CS9 of the CS and Policy DM17 of the DPD which amongst other things require new development to enable traffic to flow smoothly through the implementation of appropriate parking management measures. The policies are set out that proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users will be refused.

Other Matters

21. The proposal would make efficient use of a brownfield site in accordance with the provisions of the Framework, and would provide much needed housing, including family housing in a location that would be accessible by a range of transport modes and has good access to services and facilities. These are clear benefits of the scheme but do not outweigh the harm and conflict with the development plan that I have identified above on the main issues.
22. Future occupiers' living conditions would be protected in relation to daylight/sunlight, appropriate separation distances would be achieved to protect neighbouring occupiers' privacy and the proposed landscaping, tree planting and green roof would improve the site's ecological value. However, the lack of harm on these matters and other policy compliance would be a neutral factor and would weigh neither for nor against the development.

Conclusion

23. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR