
Appeal Decision

Site visit made on 20 February 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2024

Appeal Ref: APP/N5090/W/23/3322269

Fern Court, Green Lane, Edgware HA8 7PJ

- 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 Stirling Residential against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/4903/FUL, dated 4 October 2022, was refused by notice dated 29 November 2022.
 - The development proposed is the demolition of existing building and erection of a four-storey detached building to provide 6 no. self-contained flats with associated refuse storage, cycle store, amenity space and off-street parking.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant has requested that the appeal be determined with consideration given to a Daylight and Sunlight Report, dated May 2023 (D&SR). The D&SR assesses the effect of the proposal on natural light reaching existing properties close to the site and for future occupiers of the appeal scheme. Although the Council has not previously had sight of the D&SR, it has had the opportunity to review and comment on the report through the appeal process. Consequently, I consider that no interests would be prejudiced if I were to take the D&SR and the representations made in relation to it into account.
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 issues

4. The main issues are the effect of the proposed development firstly, on the character and appearance of the local area; and secondly, on the living conditions of the occupiers of 31 Fernhurst Gardens and 28-38 Hillside Drive (even) with particular regard to outlook, sense of enclosure and light.

Reasons

Character and appearance

5. The proposal is to erect a building containing 6 self-contained flats together with a single storey cycle and bin store on an irregular shaped site within a mainly residential area, wherein 2-storey semi-detached dwellings of varying

style predominate. The new addition would occupy a prominent position close to the junction between Green Lane and Fernside Gardens. At this point, there is a transition in the existing built form and the local street scene. The broadly consistent scale and height of the 2-storey pairs along Fernside Gardens on one side of the site gives way to a substation, mature trees and the rears of the 2-storey properties that face Hillside Drive on the other.

6. In that context, creating a definitive end stop would not necessarily look out of place given the curved junction arrangement between Fernside Gardens and Green Lane and the site's position at the end of one group of semi-detached properties that are similar in scale and height. The relatively wide highway frontage to the site and its unusual shape would also allow a distinctive visual statement to be made. As such, I agree that Fern Court offers an interesting opportunity for a bespoke scheme. From what I saw, the area to which the site belongs, while having a coherent residential character and some general uniformity in built form, is also capable of successfully accommodating a variety of buildings in terms of their design and general appearance.
7. In this case, the new addition would address Green Lane as a 3-storey block with a central entrance flanked by large gables facing the road. It would be taller and more substantial in-built form compared to the existing 2-storey semi-detached building to be replaced. When seen from numerous vantage points along Green Lane, in both directions, the considerable scale and height of the new building would jar with the generally smaller and lower buildings nearby thus forming an awkward visual transition in the street scene. With a 3-storey front elevation extending across much of the plot's width and tall flank walls with rear corners close to the site's boundaries, the proposal would also appear cramped and overly large and bulky for the plot. This arrangement would markedly contrast with the more modest proportions and layout of existing buildings in the vicinity of the site. Similarly, when seen from the rears of properties on Fernhurst Gardens and Hillside Drive, the new block would be considerably larger and taller than the buildings around the site. In that context, the proposal would draw the eye as an overly dominant and highly discordant element in the streetscape and within the local area.
8. There are larger buildings and blocks of flats on High Street and within the wider area to which the appellant has referred and provided photographs. However, it is the 2-storey buildings in the vicinity of the site with which it would be visually 'read'.
9. With regard to the submitted design, the inclusion of gables and a pitched roof take their architectural cue from existing buildings along Green Lane. However, enclosed balconies with glazed panels, full-length windows, and an arched canopy over the main entrance, all of which would be prominent features of the new front elevation, were unfamiliar features of existing properties close to the site. For these reasons, the proposal would not be readily assimilated into the street scene or the area even taking into account the varied built form with it.
10. On the first main issue, I therefore conclude that the proposed development would add an unwelcome and visually intrusive element to the local area to the detriment of its character and appearance. Accordingly, it is contrary to Policy D3 of The London Plan (LP), Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) (CS) and Policy DM01 of Barnet's Local Plan (Development Management Policies) (DMP). These policies aim to protect Barnet's character

and visual quality and seek to ensure that proposals positively respond to local distinctiveness and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

11. The appeal scheme would also be contrary to the advice within the Council's Supplementary Planning Document (SPD), *Residential Design Guidance*. The SPD states that the design and layout of new development should respect the surrounding physical context and character of the local area. It would also be at odds with the Framework, which notes that developments should be sympathetic to local character and add to the overall quality of the area.

Living conditions

12. The flank wall of the new building would be close to the outdoor space at the back of No 31. In comparison to the existing 2-storey building to be replaced, the new addition would be far more substantial and taller. In views from the back garden of No 31, which is modest in depth, the considerable scale and height of the proposed building would cause it to loom large and have a significant enclosing effect for the occupiers of this adjacent property. As a result, the proposal would represent such a significant change that it would result in an over-dominant impact on outlook and unduly heighten a sense of enclosure for these neighbouring occupiers. For the same reasons, the presence of the new building would be overly imposing and dominate views from the back gardens of 28, 30 and 32 Hillside Drive that back onto the site.
13. The appellant's D&SR concludes that the proposal would meet relevant BRE Guide default criteria with regard to the daylight and sunlight reaching those properties that are most likely to be affected. I have no reason to disagree with these findings and, on that basis, I find that a reduction to the natural light reaching those properties nearest to the site would not be significant.
14. Nevertheless, I conclude on the second main issue that the proposed development would materially harm the living conditions of the occupiers of No 31 and Nos 28, 30 and 32. As such, it conflicts with LP Policies D3 and D6, CS Policy CS5, DMP Policy DM01 and the advice within the Council's SPDs *Residential Design Guidance* and *Sustainable Design and Construction*, insofar as they aim to safeguard residential amenity.

Other matters

15. The proposal would make efficient use of the space available within the site. Once complete, it would add to the supply and choice of residential accommodation. Unlike the building to be replaced, the proposal would be energy efficient with thermal insulation, photo voltaic panels and a green sedum roof to the cycle and bin store. No ecology interests would be harmed. However, these considerations do not outweigh the identified harm.
16. Interested parties raise several additional objections including the effect of the proposal on privacy, vehicle parking, traffic congestion, highway safety, security, noise, and air pollution, as well as setting a precedent and presenting difficulties to maintain an adjacent property. These are important matters and I have taken into account all the evidence. However, given my findings on the main issues, these considerations have not been critical to my decision.

Conclusion

17. The development conflicts with the development plan, when read 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.
18. 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