



Appeal Decision

Site visit made on 25 March 2024

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

an Inspector appointed by the Secretary of State

Decision date: 30th April 2024

Appeal Ref: APP/N5090/W/23/3328235

61 Friern Barnet Road, Friern Barnet, Barnet, London N11 3EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Cook against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/2271/FUL.
 - The development proposed is a ground floor rear extension to form separate single storey 1 bedroom flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council determined the application based on the plans submitted as part of the application, which indicate that the property would have a second bedroom/study. I have determined the appeal on that basis.
3. An amended proposed building and site plan was submitted as part of this appeal¹. The proposed room layout remains the same as the original plan, but the room previously annotated as 'bedroom/study' is now annotated as 'study', this represents a fundamental change in the proposed development. Accepting the plan would result in unlawful procedural unfairness as it would deprive the occupants of neighbouring properties an opportunity to comment on how the property would be used. The appeal process should not be used to evolve a scheme and therefore I do not accept the amended plan.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed dwelling would provide acceptable living conditions for future occupants in relation to internal floor area and privacy.

Reasons

Character and appearance

5. The application site is located in a prominent position on the corner of Beaconsfield Road, a residential street, and Friern Barnet Road (A1003) a busy

¹Drawing No. 514923 003 Rev B

road that includes a mix of commercial and residential uses. 61 Friern Barnet Road (No.61) is positioned on the end of a traditional, two storey, brick terrace that fronts on to Friern Barnet Road. The properties on the terrace have mono-pitched rear outriggers, however a significant proportion of their rear gardens remains undeveloped. This allows for a sense of openness within the street scene and mature trees and plants within the gardens have a positive impact on the visual amenity of the area. The rear gardens also create a visual separation between the appeal site and the properties fronting on to Beaconsfield Road.

6. The appeal property is in use as a restaurant at ground floor level, with a residential flat above. There is an existing single storey extension on the side elevation and the rear garden is bound by a high fence constructed from plyboard. At the time of my site visit the rear garden was overgrown and in poor condition.
7. The principle of the erection of a dwellinghouse within the appeal site was previously established following the approval of application 19/1386/FUL for the erection of extensions to create a self-contained flat, which included a basement level. The proposal is an amended design, for the erection of a single storey extension on the side and rear elevation of the building to form a separate dwellinghouse, without a basement level. The proposed development would extend up to the edge of the footway, the side wall facing Beaconsfield Road would be blank and several metres long. The remaining boundary of the site would be marked by a high timber fence.
8. The development would extend for several metres beyond the existing rear outrigger, on a large proportion of the side boundary of the appeal site. The scale of the proposal is such that it would not respect the proportions of the existing building and would erode the open aspect within the street scene. Further, the blank side wall would result in a lack of visual interest and a poor relationship between the proposed dwelling and the public realm. As such the proposal would result in a prominent and incongruous development that would have a harmful impact on the street scene.
9. The appeal site is overgrown, and both the existing side extension and boundary fence are in poor condition. I recognise that the development of the site would result in their removal. However, this does not outweigh my findings in respect of the harm arising from the proposal that I have previously identified.
10. For the reasons detailed above the proposal would have a harmful effect on the character and appearance of the area. Therefore, it is contrary to Policy D3 of the London Plan 2021 (LonP), Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) 2012 (CS) and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP), these policies require buildings to be of a high quality design, conserve and enhance the distinctiveness of Barnet, avoid blank walls and provide active frontages and positive reciprocal relationships between what happens inside buildings and outside in the public realm.

Living conditions

11. In order to ensure dwellings have sufficient internal space to meet the needs of future occupants, Policy D6 of the LonP sets out minimum gross internal floor

areas (GIA) which vary depending on the capacity of a proposed dwelling. Under the terms of Policy D6 a two bedroom three-person dwelling should have a GIA of 61 square metres.

12. The document titled Planning statement/design and access statement (May 2023) described the development as both a two bedroom property and a one bedroom property with a small study. Also, the plans submitted as part of the planning application are annotated to show that the proposed dwelling would have a room described as 'bedroom/study'. Based on the information submitted as part of the planning application there is a degree of ambiguity over the use of this room. The Council confirm that the room would meet internal space requirements to be used as a second bedroom. In such an instance the proposed dwelling would be a two bedroom three-person property and, as detailed above, the required internal space would be 61 square metres.
13. Based on the evidence before me the proposed property would have a GIA of 51.7 square metres and it is not beyond reasonable probability that the room annotated as 'bedroom/study' would be used as a bedroom. In such circumstances, the property would provide an insufficient internal floor area. In reaching that view, I am mindful that a planning condition controlling the use of internal rooms could not reasonably be imposed due to the difficulty of enforcement of such a restriction.
14. The proposed bedroom/study room would be served by a single window that would be adjacent to the entrance to the first floor flat. The close proximity between the entrance to the flat is such that it would harm the privacy of the occupants of the proposed property.
15. For the reasons detailed above the proposal would not provide acceptable living conditions for future occupants in relation to internal floor area and privacy. Therefore, the proposal is contrary to Policies D3 and D6 of the LonP and Policy DM01 of the DMP. These policies require that developments deliver appropriate outlook, privacy and amenity and set a standard for an acceptable minimum gross internal floor area.
16. CS1 of the CS relates to Barnet's overarching space shaping strategy and CS5 relates to protecting and enhancing Barnet's character, both policies are not relevant in my assessment of the living conditions of future occupants.

Other Matters

17. My attention has been drawn to the extensions on the rear elevation of the property on the opposite side of Beaconsfield Road, which is also on the end of a terrace. However, this property is three storeys high and significantly larger than the appeal property and, along with the rest of the terrace, is developed to the rear; and separated from the properties fronting on to Beaconsfield Road by an access road. As such the layout and scale of the properties on the other side of Beaconsfield Road are materially different from that at the appeal site and do not form a direct parallel.
18. Further, the extensions on the rear elevation of the property across the road have resulted in a large blank flank elevation at ground floor level. While it is acknowledged, that the proposed development would be smaller than these extensions. Due to a lack of articulation and a poor relationship with the street

scene it is not the type of development that should be used as a reason to allow similar works at No 61.

19. The previously approved scheme, detailed above, for an additional dwelling at the appeal site included accommodation at basement level. The appellant asserts that, due to the costs involved in excavating the site, the previously approved scheme would be less viable than the appeal proposal. They also consider that the design as amended would provide future occupants with improved living conditions in some respects. While this may be the case, it does not present sufficient justification, given the identified harm and conflict with the development plan.

Conclusion

20. The proposed development would make a modest contribution to the supply of housing in the area. However, the benefits of the proposal do not outweigh the harm I have identified and there are no material considerations to indicate a decision otherwise than in accordance with the development plan.
21. For the reasons given above the appeal should be dismissed.

C Livingstone

INSPECTOR