



Appeal Decision

Site visit made on 15 May 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2024

Appeal Ref: APP/N5090/D/24/3338401

28 Crossway, North Finchley, Barnet, London N12 0QT

- 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 Mr S Ephgrave against the decision of the London Borough of Barnet Council.
 - The application Ref 23/1063/RCU, dated 13 March 2023, was refused by notice dated 16 January 2024.
 - The development is described as an outbuilding at rear of garden.
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Decision

1. The appeal is allowed and planning permission granted for an outbuilding at the rear of garden at 28 Crossway, North Finchley, Barnet, London N12 0QT in accordance with the terms of the application, Ref 23/1063/RCU, dated 13 March 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans and documents referenced:

Y1353/2022/01 Rev.02 Location and Block Plans

Y1353/2022/02 Rev.02 Pre-Existing Plans and Elevations

Y1353/2022/03 Rev.06 Existing Plans and Elevations
 - 2) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 28 Crossway, North Finchley, Barnet, London N12 0QT.

Procedural Matters

2. On my site visit I observed that the development had taken place and was complete. I am satisfied that the development has been carried out in accordance with the plans before me and I have considered the appeal on this basis.
3. I have altered the description of development in the banner heading and formal decision above, from that contained within the application form, to remove wording which is not an act of development.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the site and surrounding area.

Reasons

5. The appeal site relates to a two-storey, semi-detached property which is located within a predominantly residential area. The rear garden is terraced with land levels dropping towards the rear boundary. Side and rear boundaries consist of close board fencing with off-site vegetation, in part, projecting above the height of the fences. A number of outbuildings, of varying scale, are located within the rear gardens of dwellings in the immediate area.
6. The development is a detached outbuilding which is sited to the rear of the property adjacent to its rear boundary, on a lower land level to the dwelling. The outbuilding fills much of the width of the site, albeit it is set in slightly from its side and rear boundaries.
7. The height of the outbuilding projects above the boundary fences. However, the flat roof design ensures that the degree of projection is not significant. The overall height is similar to that of the flat roofed outbuilding to the rear of No.30 Crossway (No.30) and other outbuildings in the area. From neighbouring properties only a modest projection above the fence line would be visible, and would be viewed in the established context of other rear sited outbuildings. Furthermore, the flat roof design and modest height ensures that the outbuilding is not visually prominent from Crossway when viewed through the gap between the appeal dwelling and No.30. Therefore, the outbuilding does not appear incongruous or out of character with the area.
8. The footprint of the building is similar to that of the main dwellinghouse. Albeit the floorspace within the dwelling, being two-storey, would be much greater. The rear garden of the property is relatively deep and, as such, there remains a large spacing between the outbuilding and the rear of the dwelling. This intervening land remains as garden space and retains an overall sense of openness. This spacing, along with the modest height and lower land level of the building, ensures that the outbuilding does not compete visually with the existing dwelling, and appears subservient in scale. For these reasons, notwithstanding its overall footprint, the site does not appear cramped or overdeveloped as a result of the outbuilding.
9. I acknowledge that an appeal against the refusal of a Lawful Development Certificate for the development was dismissed¹. Neither party has provided me with full details of that decision. However, the Council's Officer Report indicates that the Inspector considered that the development was "large" and "not subordinate to the main dwellinghouse". I agree that when assessing whether the development would be permitted development under Class E², its scale would not be "incidental". However, such an assessment under the GPDO only seeks to establish whether the development is permitted development, and does not consider the effects of the development. While the Inspector raised concern over the scale of the building they would not have assessed the acceptability of the development against the Development Plan as I am required to do. Therefore, I do not find the conclusions of the Inspector to be directly comparable.

¹ Appeal against refusal of Lawful Development Certificate Ref: 21/2702/191

² Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

10. For the above reasons, I conclude that the development does not have an unacceptable effect on the character and appearance of the site and surrounding area. Therefore, the development accords with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (the CS); Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012); and, D3 of The London Plan (the LP). Together, amongst other things, these seek to achieve high quality design in new development which respects local context. The development also accords with the guidance contained within the Local Plan Supplementary Planning Document: The Residential Design Guide (2016) which requires that outbuildings are not of a scale where they are out of character with the area, and that they be in harmony with the surrounding area.
11. Policy CS1 of the CS, appears to relate to more strategic scale place-shaping, while Policy G3 of the LP, relates to Metropolitan Open Land. As such, there does not appear to be anything within these policies which are directly relevant to the appeal proposals.

Conditions

12. Because permission is being granted retrospectively it is not necessary to attach the standard time limit condition, or any materials condition. However, I impose a condition to ensure that the development remains in accordance with the approved plans, for the avoidance of doubt.
13. The outbuilding includes a bathroom, and is of a scale whereby it could theoretically, with adaptation, provide sufficient accommodation to be occupied as a separate dwelling. As such, the Council have suggested a condition restricting the use of the building. The appellant accepts this condition. I agree that such a condition is necessary to control the occupation of the building, albeit I have amended the wording from that suggested, for precision.

Conclusion

14. For the above reasons the appeal is allowed.

D Cleary

INSPECTOR