



Appeal Decision

Site visit made on 16 May 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/N5090/W/24/3337508

Rear Of 114 Torrington Park, London N12 9AH

- 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 Cohen against the decision of the London Borough of Barnet Council.
 - The application Ref 23/4779/FUL, dated 07 November 2023, was refused by notice dated 18 December 2023.
 - The development proposed is described as the demolition of existing garage and covered storage, and construction of a single-storey dwelling with flat green roof, including amenity space, refuse and cycle storage.
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Decision

1. The appeal is allowed and planning permission granted for the demolition of existing garage and covered storage, and construction of a single-storey dwelling with flat green roof, including amenity space, refuse and cycle storage at Rear Of 114 Torrington Park, London N12 9AH in accordance with the terms of the application Ref 23/4779/FUL, dated 07 November 2023, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The address in the banner and my formal decision has been taken from the Council's Decision Notice, and appeal form, as it more accurately describes the site address than that contained within the application form.
3. Since the decision was made by the Council, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the planning policy context in respect of the main issue.

Main Issue

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

Reasons

5. The appeal site is garden land which is located to the rear of No.114 Torrington Park (No.114). The site fronts onto Friary Way and contains the remains of a small, detached garage. The site frontage comprises close board fencing in its entirety which continues for some length towards Torrington Park. A similar arrangement is located to the rear of No.112 Torrington Park (No.112), on the

opposite side of Friary Way, which has a similar length of close board fencing and a detached garage at the bottom of its garden. The dwellings on Torrington Park are characterised by linear plots, with numerous properties having a detached outbuilding, of various sizes, located to the rear. No.2 Friary Way (No.2), which lies adjacent to the site, has a single storey flat/parapet roof projection to its front and side. Land levels on Friary Way slope down from Torrington Park towards the site, with a similar change in levels within the site.

6. The scheme proposes the subdivision of the plot and erection of detached dwelling which would replace the existing garage. The dwelling would be single storey, with modest footprint and a scale that is not significantly greater than other outbuildings in the wider area. The dwelling would be set back from Friary Way and would have a similar front building line to No.2. The modest height, and flat roof design, along with the retention of the front boundary fence (or replacement of similar height) would ensure that the dwelling would not appear prominent on the street scene or out of scale with its surroundings. Furthermore, the flat roof design, would be similar in height and form to the single storey projections at No.2. The dwelling would appear as a continuation of the established built form and, as such, it would assimilate harmoniously into the surrounding street scene.
7. The approach into Friary Way, from Torrington Park, is characterised by close board fencing with single storey structures positioned at the rear of the garden. The existing depth of the plot can be appreciated from Friary Way due to the length of close board fencing, with views over gardens, and from this aspect the existing rear outbuilding is visible. This arrangement is similar to that on the opposite side of Friary Way. The scheme proposes the retention of a fence, which would be provided to the front of the proposed single storey building. Therefore, visually, the existing pattern of built form would not be adversely eroded. The modest scale and height of the building would ensure that perception of the plot depth would be maintained. While the development would increase activity and light spill this would, to a degree, be reduced by the retention of the boundary fence. In any event, I would not find such activity from a single dwelling to be so intensive to be harmful to the area.
8. The general pattern of development in the area comprises larger two storey properties, with subservient single storey buildings to the rear. Due to the modest scale of the building, along with its distance from No.114, I consider that this established pattern would be maintained. The scale of the property, along with the change in land levels, would ensure that views over the building to the established tree canopies in the gardens beyond. Furthermore, the building would be sited a similar distance from No.114 as other outbuildings in the adjacent group (No.116-120) which would maintain the established separation of built form. As such, the sense of spaciousness to the rear gardens would not be unduly eroded.
9. I accept that the Supplementary Planning Document: The Residential Design Guide (2016) (SPD) identifies that rear gardens make a significant contribution to the urban environment¹, and that the scheme would subdivide the rear garden space of No.114. This would result in No.114 having a shorter rear garden than other dwellings in the immediate area. However, the depth of the resultant garden for No.114 would remain generous and not disproportionately

¹ Paragraph 6.19

out of context and for the reasons set out above, I do not consider that there would be a harmful effect on the pattern of development.

10. For the above reasons, the development would not have a harmful effect on the character and appearance of the area. Therefore, the development accords with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012); Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012); and D3 of The London Plan. 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 SPD, when considered as a whole, which advises that the design and layout of new development should be informed by the local pattern of development.

Other Matters

11. I note the comments raised by third parties, with particular regard to the effect on living conditions, access and parking, trees and recent activities which have occurred at the site.
12. Due to the separation distances and relatively modest scale of the proposed development, subject to necessary conditions, I find there would be no adverse harm to nearby residents living conditions with particular regard to overlooking or privacy. This is consistent with the Council's views on this matter.
13. During the course of the application consultation was carried out with the Highways Authority and no objections appear to have been raised. The scheme would deliver no off-street parking, however given the scale of the property it is understood that this does not conflict with parking guidance. In the absence of any technical objection on Highways grounds, I concur with the Council's assessment in regard to the effect of the development on the local highway network.
14. Any disturbance generated through construction would be limited to the length of the construction period for the relatively modest proposal. While matters relating to the effect on trees could be addressed through condition.
15. I note the comments with regard to materials being brought on to the site during the appeal process. At the time of my site visit I did not witness any obvious deposited materials close to the building. Nonetheless, issues regarding suspected unauthorised use, or concerns regarding untidy land, is not a matter for me to address. In any event, these matters have not had a bearing on my assessment, and I have considered the appeal on its merits.

Conditions and Conclusion

16. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in Planning Practice Guidance. Where necessary I have made amendments to the wording or consolidated conditions, for reasons of effectiveness, to ensure that they meet the relevant tests.
17. In the interests of certainty, I have attached the standard time limit for commencement. It is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans for reasons of certainty.

18. A condition relating to tree protection measures is necessary to ensure that on/off site vegetation is retained and protected during construction. A detailed landscaping scheme is also required to ensure that the site will be appropriately landscaped. Details of facing materials, boundaries, enclosures and site levels are also necessary. These details are required, for approval, having regard to the main issue.
19. A condition requiring details of ecological enhancements to be submitted, carried out and retained, is necessary in the interest of delivering biodiversity gains.
20. A condition requiring full details of cycle parking to be provided, carried out and retained is necessary in the interest of facilitating sustainable modes of transport.
21. A condition requiring the obscure glazing and non-opening of windows within the east elevation, along with the restriction of any other windows in that elevation, is necessary in the interest of living conditions of neighbours and future occupants.
22. Conditions requiring the development to be constructed in accordance with M4(2); to deliver water efficiency; and, for the development to be of a construction which delivers carbon reduction, are all necessary in the interest of delivering sustainable development and to tackle climate change.
23. A condition relating to construction hours is necessary to ensure that disturbance during construction is minimised. A condition regarding Non-Road Mobile Machinery is also necessary in the interest of minimising emissions during construction.
24. A condition to prohibit the use of the flat roof for any other purpose other than for maintenance is necessary to ensure that the living conditions of neighbouring properties are preserved, with particular regard to overlooking.
25. Finally, given the scale of the development and lack of any evidence to the contrary, I do not consider that a condition requiring a contaminated land method statement is necessary. However, I have attached a condition regarding requirements should unexpected contamination be found during construction.
26. I do not consider that conditions relating to a construction management plan and a route condition survey are necessary given the modest scale of the development and likely short timeframe for construction. Additionally, the scheme does not propose any external plant or machinery, therefore a condition restricting noise levels does not appear to be necessary. Therefore, I have not imposed these suggested conditions.
27. For the reasons given above, I conclude that the appeal is allowed.

D Cleary

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans and information:

Location Plan

PH1 Existing Site Aerial View

PH2 Existing Elevation Photos

PH3 Existing Site Photos

GA100 Ground Floor Plan - Existing

EL100 Elevations - Existing

GA101 Ground Floor Plan - Proposed

GA201 Roof Plan - Proposed

EL101 Elevations - Proposed

S101 Long Section

S102 Wide Section

ISO1 Birdseye Perspective
3. Prior to the commencement of development, with the exception of demolition, the following shall be submitted to, and agreed in writing by, the Local Planning Authority:
 - (a) a plan to show those existing trees and hedgerows on and off site to be retained;
 - (b) a tree protection plan and Arboricultural method statement to detail the protection of those trees and hedgerows to be retained. This plan should confirm that no excavations, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected.

All tree protection measures shall be provided before the development is commenced (with the exception of demolition) and shall be retained throughout the construction of the development.
4. No development, other than demolition works, shall take place until full details of the materials to be used for the external surfaces of the building hereby approved have been submitted to and approved in writing by the Local

Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

5. No development, other than demolition works, shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
6. (a) Prior to first occupation of the development hereby approved, a scheme detailing hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the proposed green roof, planting plans, specifications and schedules to include plant size, species and number/densities.

(b) The agreed landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner).

(c) Any trees or shrubs planted in accordance with this condition (including measures for the green roof), which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or vegetation of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.
7. Prior to the first occupation of the development hereby approved, a scheme for the provision of boundary treatments and enclosures (including bin storage), to include details of their position, height, materials and design, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed boundary treatments and enclosures shall be provided in strict accordance with the approved details, prior to first occupation, and shall thereafter be retained.
8. Prior to the first occupation of the development hereby approved, a scheme of biodiversity enhancements shall be submitted to, and agreed in writing, by the Local Planning Authority. The scheme shall include details of the position and design of:
 - 2 x House Sparrow terraces (or alternative);
 - 1 x Hedgehog Home;
 - 2 x Insect Hotels;
 - 3 x Hedgehog Highways (13cm x 13cm) within the proposed fencing; and,
 - A timetable for the implementation of all ecological enhancement measuresThe scheme shall be implemented in accordance with the approved details and agreed timetable and shall thereafter be retained.
9. Prior to the first occupation of the development hereby approved, a scheme for cycle parking shall be submitted to, and agreed in writing, by the Local Planning Authority. The agreed scheme shall be provided in strict accordance

- with the approved details, prior to first occupation, and shall thereafter be retained.
10. The building hereby permitted shall not be occupied until the bedroom and shower room windows, within the east (rear) elevation, have been fitted with obscured glazing. Those windows shall not be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed, the obscured glazing shall be retained thereafter. At no point shall any further window be installed within the east (rear elevation).
 11. The development hereby approved, shall be constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace those Regulations in future). The development shall be maintained as such in perpetuity thereafter.
 12. The development hereby approved, shall be constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters. The dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations. The development shall be maintained as such in perpetuity thereafter.
 13. The development hereby approved shall be constructed to incorporate carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.
 14. Demolition or construction works, and any site deliveries, shall take place only between 08:00am and 18:00pm on Monday to Friday; 08:00am and 13:00pm on Saturday; and shall not take place at any time on Sundays or on Bank or Public Holidays.
 15. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

16. The flat roof of the development hereby approved shall only be used in connection with the repair and maintenance of the building and shall at no time be used as a roof garden, terrace, seating area or similar.
17. Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.