



Appeal Decisions

Site visit made on 21 May 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2024

Appeal A Ref: APP/N5090/W/23/3333803

26 Fitzjohn Avenue, Barnet EN5 2HW

- 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 Tony Osmani against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/3646/FUL.
 - The development proposed is erection of a detached house, associated parking, bin store and landscaping.
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Appeal B Ref: APP/N5090/W/23/3333805

26 Fitzjohn Avenue, Barnet EN5 2HW

- 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 Tony Osmani against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/3647/FUL.
 - The development proposed is erection of a detached house, associated parking, bin store and landscaping.
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Appeal A: Decision

1. Appeal A is dismissed.

Appeal B: Decision

2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. They differ in the detail of their design. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The Council has referred to Barnet's New Local Plan, which is now at Regulation 24 stage. However, the Council has also advised that the new local plan is subject to a further period of consultation on modifications. As such I cannot be certain when the new local plan is to be adopted and whether any additional modifications will be made before that time. I have, therefore, considered the appeal against the adopted development plan policies as detailed in the Council's reasons for refusal.

Main Issue

5. The main issue, in both appeal A and appeal B, is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal site is a parcel of land to the side of 26 Fitzjohn Avenue (No.26) which is currently in use as part of the garden and drive for that dwelling. The site is triangular with a narrower frontage, widening out at the rear. No.26 is one of a pair of semi-detached houses. The area immediately around the site is residential, predominately semi-detached houses with occasional detached properties. There are gaps between each pair of houses, and either side of the detached houses, albeit that these gaps vary in width. The plot widths and property widths are fairly consistent with some wider houses and plots such as No.26 and its adjoining neighbour.
7. There is also some variety in the designs of the dwellings, but the area has a high-quality character that is reflected in the similarities in the design, materials, and massing of the properties. Fitzjohn Avenue slopes down and the houses follow the slope providing long distance views with woodland in the backdrop. This stepping down of the roof slopes with the slope in the road and the high-quality architectural details of the houses creates a pleasant character. The general uniformity of the roofscape also makes a positive contribution to the character and appearance of the area.
8. Both appeals propose a detached two-storey, three-bedroom, dwelling with a room in the roof. Two parking spaces are proposed at the front, one for the proposed dwelling and one for No.26. A bin store is shown at the back of the parking space providing for six wheelie bins. The frontage of the site would be hard standing except for a hedge on the boundary with No.30. At the rear, the remainder of the plot would provide a garden for the proposed dwelling and a new boundary fence with No.26. There is little difference between the two appeals before me in terms of the footprint and layout.
9. Due to the narrow width of the site the frontage of the proposed plot would be narrower than other plots immediately around the appeal site. The footprint of the proposed building, in both appeal schemes, would almost fill the width of the plot with only a narrow path retained between the proposed dwelling and No.26.
10. On the side of the plot next to 30 Fitzjohn Avenue (No.30) the proposed ground floor of the dwelling would follow the boundary line to maximise the size of the building on the plot. The proposed dwelling also extends back into the plot to follow the rear building line of the extension to No.30 and, therefore, extends beyond the rear of No.26. At first floor the building would step out twice from the front elevation.
11. Both appeal schemes, due to the desire to maximise the size of the building, would appear to wrap around the back and side of No.30 and would be very close to the windows in No.26. Although there are other properties on the same street with narrower gaps these gaps are between facing blank elevations. The appeal site would sit between elevations in existing dwellings that both have windows facing towards the appeal site. Furthermore, due to its position on a bend in Fitzjohn Avenue, the design of the side of No.26 can currently be seen in the street scene, similar to several other properties on the street where there are wider gaps between the dwellings. The loss of the view of this elevation would be detrimental to the character and appearance of the area.

12. The width of the plot and the size of the proposed dwelling, extending back into the plot further than No.26 and stepping behind No.30, would not respect the local pattern of development or the space around buildings in the street. The lack of any distinguishable gap between the appeal property and No.30 would be out of keeping with the character and pattern of the area. Both Appeal A and Appeal B would result in the development appearing cramped and contrived on the plot. The development would, therefore, be contrary to the requirements of Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document, adopted 2012 (DMP) and with paragraph 6.6 of Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance, adopted 2016 (the Design SPD).
13. Appeal A proposes a modern design to the external appearance of the building with an asymmetrical pitched roof, grey brickwork, white render, metal cladding and roof. The height of Appeal A would respect the roofscape of Fitzjohn Avenue. However, the design and introduction of modern materials would not reflect or show an understanding of the distinctive character of the area as required by paragraph 3.1.7 of The London Plan, The Spatial Development Strategy for Greater London, 2021 (LonP).
14. The design and materials of Appeal A are dramatically different. However, the proposal would not provide a modern interpretation of the surrounding character and context, contrary to the requirements of Policy DM01 of the DMP. Moreover, the proposal is not different to other modern buildings across the country and, consequently, I do not find that it is exceptional or innovative. Although the modern design would add interest, the design is jarring with the existing street scene, it would not be a positive addition and would negatively change the character and appearance of the area. Moreover, it would not fit in with the overall form and layout of the surroundings, for the reasons given above.
15. Although planning policies have been introduced that promote innovative design the policies continue to require modern design to add to the quality of the area, be sympathetic to local character, fit in with the area, and understand the character of a place. For the above reasons, the design and materials proposed in Appeal A, would not meet these requirements.
16. Appeal B proposes a more traditional design with hipped roofs, bay windows, and a front gable. Overall, the design of Appeal B would reflect the design features in the immediate area. However, the height of Appeal B would be substantially lower than the properties either side and would not respect the stepped roofscape of Fitzjohn Avenue.
17. Moreover, neither the design of Appeal A or Appeal B would overcome the cramped and contrived appearance which would result from the size and shape of the proposed dwelling. Both Appeal A and Appeal B, due to the design of Appeal A and the massing, size and shape of both proposals would result in an incongruous and unsympathetic form of development which would harm the character and appearance of the area.
18. I therefore concur with the previous appeal decision on this site¹. Although the previous appeal was considered under the earlier local and national planning policies, as an outline application, it also considered the principle of the

¹ Appeal reference: APP/N5090/A/00/1048050

development. Furthermore, since the previous appeal decision No.30 has been extended and brought closer to the appeal site, thereby reducing any potential gap between the properties. The development of the site as proposed, in both Appeal A and Appeal B, albeit respecting the front building line, would result in a house inserted into this wedge of land in a form and design that would be entirely alien to its setting, squeezed in as an awkward and ill-fitting after thought.

19. The appeal site would not constitute previously developed land as defined in Annex A of the National Planning Policy Framework (the Framework) as it constitutes existing garden within a built-up area. It would be an infill plot and a small site within a residential area. However, any support for the principle of developing the site would not outweigh the harm I have identified to the character and appearance of the area.
20. For the reasons given above, Appeal A would have an adverse effect on the character and appearance of the surrounding area. The proposal would, therefore, be contrary to Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document, adopted 2012 (CS), Policy DM1 of the DMP, Policy D3 of the LonP and the Design SPD.
21. For the above reasons, Appeal B would also have an adverse effect on the character and appearance of the surrounding area. The proposal would, therefore, be contrary to Policies CS1 and CS5 of the CS, Policy DM1 of the DMP, Policy D3 of the LonP and the Design SPD.
22. Collectively the above policies seek to conserve, protect, and enhance the distinctiveness and character of Barnet, respect local context and character, protect and enhance the borough's suburbs, respond to a site's context, and require development to be based on an understanding of local characteristics and enhance local context through, amongst other matters, layout, orientation, shape, appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

Other Matters

23. I acknowledge the concerns raised by local residents in relation to living conditions, construction disturbance, parking provision, highway safety, structural integrity, and archaeology. However, based on the evidence before me and my site visit, I find no reason to disagree with the Council's conclusions on these matters. However, that there are no issues between the main parties with regard to these matters are neutral issues and do not weigh in favour of the proposal.
24. The development would provide one additional house, result in more efficient use of the land, and boost the housing supply on a small site, as supported by the Framework. The proposal would also have environmental benefits, including the sedum roof, the proposed reduction in carbon dioxide emissions and the provision of water meters, and associated social and economic benefits both during and post construction.
25. However, given the small scale of the development these benefits are limited, and the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the

Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

26. For the reasons given above, I conclude that Appeal A should be dismissed.

27. For the reasons given above, I conclude that Appeal B should be dismissed.

K Townsend

INSPECTOR