



Appeal Decision

Site visit made on 21 November 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/N5090/W/23/3322535

Garage rear of 26 Dollis Park, London N3 1BP

- 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 Stephen Ross against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/1628/FUL, dated 28 March 2022, was refused by notice dated 6 March 2023.
 - The development proposed is conversion of garage to a 1 bedroom maisonette, incorporating, raising of roof level, alterations to fenestration, relocation of crossover and associated landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by Government on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
3. Notwithstanding the description of development set out above, which is taken from the application form, the proposal is described as the conversion of the existing garage into a dwellinghouse involving raising of the roof level, changes to fenestration; private amenity space associated landscaping; 1.8 metre high boundary fence on the Decision Notice and Appeal Form. The Council dealt with the proposal on this basis and so shall I.

Main Issues

4. Although it is not referred to as a reason for refusal on the Decision Notice, in its officer report and statement of case, the Council has identified concerns regarding the living conditions of future occupiers. The appellant has subsequently addressed this matter in his final comments so would not be inconvenienced by my reference to it as one of the main issues relevant to this appeal.
5. Therefore, the main issues are:
 - the effect of the proposal on the character and appearance of the area, and

- whether acceptable living conditions would be provided for future occupiers of the development with regard to outlook and privacy.

Reasons

Character and appearance

6. The appeal site lies in a residential area with a high proportion of semi-detached dwellings, set back from the road and behind low boundary walls and hedges. The dwellings and the spaces between them give a regular rhythm to the street.
7. The existing garage is to the rear of 26 Dollis Park, however it is accessed from Clifton Avenue. Whilst the building has roof lights in the mansard roof to form an upper floor in the roof space, the building is lower with less massing than the surrounding dwellings and has the appearance of an ancillary building in the streetscene.
8. The proposal would utilise the existing building on the same footprint and although the height of the roof would be raised and a pitched roof with rear dormer introduced, it would still appear as a detached subservient building in the streetscene and not of a similar bulk and massing to the surrounding dwellings. Whilst this may be appropriate for a garage, the plot size of the building is not comparable with the surrounding dwellings.
9. Part of the outdoor amenity space for the proposal would be formed to the side by splitting the existing garden of one of the flats at 26 Dollis Park which would reduce the area available to the existing occupiers and create gardens smaller than those serving the surrounding dwellings. Whilst the available space may be appropriate for the size of the proposed dwelling, it would not reflect the size of gardens in the area. The proposed boundary treatment delineating the front garden space would be similar to those at nearby dwellings, however, as the building is closer to the rear of the footway than the nearby dwellings, it would not reflect the character of the area.
10. I conclude that the proposed development would harm the character and appearance of the area. It would conflict with Policy CS5 of the Barnet Local Plan Core Strategy Development Plan Document and Policy DM01 of the Barnet Local Plan Development Management Policies Development Plan Document (DMP) which, together, amongst other matters seek to ensure that development should preserve and enhance local character. It would also conflict with the guidance in the Residential Design Guide Supplementary Planning Document (2016) which states development should respect the scale, massing and height of the surrounding physical context.

Living Conditions

11. The proposal would result in only one window to serve the ground floor of the maisonette which would be located on the front elevation of the building. The kitchen area to the rear is therefore likely to be particularly gloomy as it would be some distance from the window. In addition, the bedroom would only be served by a roof light, which whilst it would ensure sufficient light would limit the outlook for the occupiers.
12. Although set back from the road, the proximity of the building to the rear of the footway also raises the potential for loss of privacy from passing

pedestrians being able to see inside the property. I acknowledge that there would be a wall and railings although these would not be of sufficient height to mitigate the loss of privacy. If the boundary treatment were to be increased in height this would have an additional impact on the outlook from the proposed living area.

13. I conclude that the proposed development would not provide appropriate living conditions for future occupiers of the development with regard to outlook and privacy. It would conflict with Policies DM01 and DM02 of the DMP which, together, amongst other matters seek to ensure that development demonstrates compliance with design standards.

Other Matters

14. The proposed development would create an additional dwelling adding to the Council's housing stock and supporting the Government's objective of boosting the supply of homes. However, the appeal proposal would harm the character and appearance of the area and not provide appropriate living conditions for future occupiers. In this case, the harm that would result would outweigh the benefits arising from the proposed development.
15. I note that the proposal would allow an additional on road parking space as the crossover to the current garage would be removed. This carries limited weight in favour of the proposal but does not outweigh the harm that I have found to the character and appearance of the area.
16. My attention has been drawn to an appeal decision¹ for a nearby proposal. I do not have the specific details of this case before me, but it would not appear to be directly comparable to the appeal proposal due to the design of the building and the policies in place at the time of the decision. In addition, I have determined the appeal on the site-specific circumstances of the case.

Conclusion

17. The proposed development conflicts with the development plan as a whole and there are no other considerations that outweigh this conflict. I therefore conclude that the appeal is dismissed.

H Senior

INSPECTOR

¹ APP/N5090/A/00/1039310