



Appeal Decision

Site visit made on 4 June 2024

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

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/N5090/W/23/3330580

106 Mays Lane, Underhill, Barnet EN5 2LL

- 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 E Aponso against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/3195/FUL.
 - The development proposed is demolition of existing house and erection of 2no. two storey semi-detached houses with rooms in the roofspace. Provision of amenity space, refuse and cycle storage and off-street parking spaces.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with another appeal APP/N5090/W/23/3335750 on this site. That appeal is the subject of a separate decision.

Main Issue

3. The effect of the development on the living conditions of the occupiers of 82 Cedar Lawn Avenue with particular regard to outlook.

Reasons

4. 106 Mays Lane (No.106) is a detached two storey property that has been extended to the front, side and rear. The extensions on the western side elevation include a single storey flat roofed garage that is constructed up to the rear boundary with 82 Cedar Lawn Avenue (No.82) and a two storey flat roofed outrigger that extend in close proximity to the remaining section of rear boundary with No.82.
5. The proposed scheme is for the demolition of No.106 and its replacement with two semi-detached two storey properties. The proposed properties would have single storey sections to the side and rear. In addition, a two storey section would be stepped approximately 2m back from the property boundary on either side and would have a crown roof. The depth of the proposed dwellings would be such that the two storey section would run alongside the majority of the rear boundary of 82 Cedar Lawn Avenue.
6. I note that a proposal at the site for the erection of two semi-detached, two storey properties that had a single storey section to the rear, was dismissed at

appeal in 2023¹. The previous appeal proposal would have resulted in the two storey flank elevation being in close proximity to the entirety rear boundary of No.82.

7. The appellant seeks to address the concerns raised by the previous Inspector in relation to the harmful impact of that scheme on the living conditions of the occupants of No.82 in regard to outlook. As such the two storey element of the properties would be set further back from the boundary and the rearward projection of the two storey section would be reduced.
8. However, the two storey element of the proposed scheme would still extend along the majority of the rear boundary of No.82. It is acknowledged that the existing property is close to the boundary. However, this includes the flat roofed rear outrigger which is significantly lower than proposed properties. Further, the degree of set-back does not ameliorate the impact of the scale and mass of the built form proposed which would be overbearing and have a harmful impact on the outlook of the occupants of No.82, particularly from their rear garden which would diminish their enjoyment of this space.
9. The supporting information notes that there are trees and mature planting along the rear boundary of No.82 which would screen the appeal proposal. From what I observed on site any screening between the No.82 and No.106 is limited and I am not satisfied that it would mitigate the impact of the appeal proposal on outlook for occupants of No.82. I acknowledge that, the large ancillary building within the rear garden of 84 Cedar Lawn Avenue would obstruct views of the proposed scheme from some points within the rear garden of No.82. However, this would not address the harmful impact of the scale of the built form proposed along the majority of the rear boundary of this neighbouring property.
10. For the reasons given, the proposal would harm the living conditions of residents of No. 82 Cedar Lawn Avenue, with particular regard to outlook. As such, it would fail to comply with Policies D3 and D6 of the London Plan 2021 (LonP), Policies DM01 and DM02 of the Barnet's Local Plan Development Management Policies Development Plan Document 2012 and the Barnet Local Plan Supplementary Planning Document Residential Design Guidance 2016. These policy documents seek to ensure that development is designed to allow for adequate outlook for adjacent occupiers and to maximise the useability of outdoor amenity space.

Other Matters

11. The proposed scheme would comply with current amenity standards for future occupants including in relation to internal floor area and external amenity space, light and outlook. It would include suitable provision for off-street car parking and cycle and waste storage and would not harm the character and appearance of the area. Further, the properties would incorporate water saving measures and would not harm the habitat of bats which are a protected species. However, the absence of harm in these respects form neutral factors in my assessment of the appeal, weighing neither for nor against the proposal.

¹ APP/N5090/W/23/3315244

Planning Balance and Conclusion

12. The proposal would provide an additional unit of family housing in a suitable location where there is an identified need. This would maximise the use of the site and make a modest contribution to the housing supply in the area. In so doing, the proposal would comply with policies H1 and H2 of the LonP, which amongst other things, set housing targets and encourages the development of small sites in order to meet London's housing needs. While the benefits of the scheme are acknowledged, given the limited number of additional dwellings proposed this carries limited weight.
13. The proposal would be sustainable, would not harm the character and appearance of the area, the living conditions of future occupiers, highway safety and ecology. This lack of harm is neutral in the planning balance.
14. However, as detailed above I have found that the proposal would harm the living conditions of the occupants of No.82 in terms of outlook. This is not outweighed by the benefits I have identified. As such the proposal would not accord with the development plan when taken as a whole. Furthermore, there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan.
15. Therefore for the reasons given above the appeal is dismissed.

C Livingstone

INSPECTOR