



# 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: 23 July 2024**

**Appeal Ref: APP/N5090/W/23/3324027**

**130A Fairmead Crescent, Edgware, Barnet HA8 8YP**

- 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 Mrs Niloufar Takaloubighash against the decision of the Council of the London Borough of Barnet.
- The application Ref 22/4753/RCU, dated 23 September 2022, was refused by notice dated 24 January 2023.
- The development proposed is outbuilding used as home-office and gym/playroom for ancillary use of residential unit.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the 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. I have removed reference to the "retention of existing" building from the banner heading above as this is not a description of development. However, on my site visit I saw that the building had been constructed and I have determined the appeal on that basis.

## Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area including the eucalyptus tree in the garden of 2 and 2a Harcourt Avenue.

## Reasons

5. The appeal site is to the side of a semi-detached dwelling that has previously been converted into two flats and is utilised by the residents of the top floor flat. It is within a predominantly residential area characterised by semi-detached and terraced dwellings set back from the highway which gives a regular rhythm to the street.
6. The Residential Design Guidance Supplementary Planning Document (SPD) seeks to ensure that garden buildings are appropriate within their context and not too large, do not significantly reduce the size of the garden and minimise

any impact on trees. I accept that this is guidance, however it expands upon the principles established in the development plan documents.

7. The proposal has reduced the size of the outdoor amenity space, and whilst the appellant argues that it would be used as amenity space for the flat it does not serve the same function as outdoor amenity space such as for sitting out and drying washing.
8. The building is within a highly visible corner location. The position of the building within the plot appears incongruous, and its scale and form is obtrusive, despite having a flat roof and behind a high fence. Whilst the nearby dwellings are predominantly two storey, the style and form of the building appears unsympathetic and too large for the site.
9. There is a substantial eucalyptus tree situated in the garden of 2 and 2a Harcourt Avenue. This is close to the rear boundary of the site. It is visible from Fairmead Crescent and makes a significant and positive contribution to the visual amenity of the area. The outbuilding is located close to the tree canopy and the branches overhang it.
10. I have not been provided with an arboricultural survey for the tree, but there is no substantive evidence before me to demonstrate that it would not be likely to survive on site for many years, in the absence of the outbuilding. While I have no reason to doubt that the ground beam foundations of the outbuilding were designed to reduce its impact on the tree's roots, and these were signed off by Building Control, there is no evidence before me to explain the approach taken to identify and determine how this was implemented to protect the tree from development within its Root Protection Area. Even if this had been provided as part of the appeal, it would not have altered my conclusion regarding the appearance of the development in its surroundings.
11. I conclude that the proposed development harms the character and appearance of the area including the eucalyptus tree in the garden of 2 and 2a Harcourt Avenue. It conflicts with Policies CS1, CS5 and CS7 of the Barnet Local Plan Core Strategy Development Plan Document, Policy DM01 of the Barnet Local Plan Development Management Policies Development Plan Document and Policy G7 of the London Plan which, together, amongst other matters seek to ensure that development preserves and enhances local character, retains outdoor amenity space and safeguards trees. It also conflicts with the guidance in the SPD which has similar aims.

## **Conclusion**

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

*H Senior*

INSPECTOR