



Appeal Decision

Site visit made on 20 June 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal Ref: APP/N5090/W/23/3335984

26 Renters Avenue, Hendon, Barnet, London NW4 3RB

- 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 UPP Architects + Town Planners against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/1510/FUL.
 - The development proposed is described as the demolition of the existing dwelling and erection of a new build block of flats containing 5 self-contained units.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal on the i) character and appearance of the area; and ii) living conditions of the surrounding residents with regard to noise, and future occupiers with regard to privacy.

Reasons for the Recommendation

Character and appearance

4. The appeal property is a two-storey detached dwelling on a corner plot. The area is characterised by detached and semi-detached two-storey dwellings, similar in their design with two-storey front bay windows and narrow profiles. Whilst a number of these properties have been extended and altered, these are mostly subservient, retaining the original form of the host property and bestowing the street scene with a pleasing uniformity.
5. The appeal property is atypical of the surrounding dwellings, in that a two-storey flat roofed extension adjoins the side elevation. Nonetheless, there is a clear visual separation between the original dwelling and this addition, permitting the narrow profile of the host property to be read. Despite its significant size, the side extension does not extend the full length of the property and there is a modest gap between its side elevation and the highway. This reduces the visual bulk of the side extension and bestows this section of the street scene with a pleasant open character which makes a positive contribution to the character and appearance of the area.

6. The proposal seeks to replace the existing semi-detached property with a new attached building of two and a half storeys. The proposed front elevation is designed to appear as a single dwelling, with a single entrance between two two-storey bay windows. Nevertheless, it would be significantly wider than that of the property it would replace, giving it a squat, bulky form that would appear out of context with the narrow profile of the surrounding dwellings. The proposal would utilise a wide crown roof with side dormers increasing the mass of the roof, adding to the front elevation's visual bulk and further emphasising its discordance with the surrounding properties. Although dormers are characteristic of many properties in the area, these are largely discreet and unobtrusive in the street. In contrast the proposed dormers would appear particularly prominent given their number and the appeal site being a corner plot.
7. The proposal would extend significantly to the rear at two-storey level, well beyond that of the neighbouring dwelling. When combined with its close proximity to the highway at first-floor level, the proposal would erode the existing openness of this section of the street scene. Furthermore, it would appear a substantial and overbearing form of development when viewed from the adjacent highway and surrounding area. The two-storey rear projection, from the main body of the building, would have a flat roof and be clad in a different material. However, this would not adequately mitigate the aforementioned visual bulk of the proposal or its overbearing appearance.
8. The proposal would create five self-contained flats, a relatively minor increase to that of the four flats approved by a previous planning approval (ref 23/1496/FUL). This represents only a small addition of approximately three additional residents. This would result in limited additional associated movements to and from the appeal site. The proposal would therefore result in a limited intensification of the previous approval and would be commensurate with the surrounding levels of residential activity, preserving the existing residential character of the area. However, whilst the limited extent of intensification would be acceptable, this would not outweigh the concerns identified with respect to scale and design.
9. Accordingly, concerning character and appearance, the proposal would conflict with Policies D3 and D14 of the London Plan (2021) (LP), Policies CS1 and CS5 of Barnet's Local Plan Core Strategy Development Plan Document (2012) (CS), Policies DM01 and DM04 of Barnet's Local Plan Development Management Policies Development Plan Document (2012) (DMP), and the guidance set out within the Residential Design Guidance Supplementary Planning Document (2016) (RDG) and Sustainable Design and Construction Supplementary Planning Document (2016) (SDC), which when read together require new development to preserve or enhance local context and character, respecting the scale, mass, form, and proportions of surrounding buildings.

Living Conditions

10. The bedroom window within the side elevation of unit 1 would be within close proximity to the highway albeit set back slightly by a dwarf wall and landscaping. The bedroom window would therefore allow passing pedestrians and motorists direct views into this room, although by their nature these would be fleeting. The window is of a height that these views would be primarily limited to its bottom half with the upper section being above the head height of

most pedestrians and motorists. As such, a condition requiring the bottom half of this window to be obscure glazed would safeguard the privacy of future occupiers whilst maintaining an adequate standard of outlook.

11. As stated above, the proposal would represent a limited intensification of approval 23/1496/FUL. The area includes houses converted to flats which therefore form part of the character of the area. When combined with the relatively low levels of noise and disturbance produced from normal domestic activities, the proposal would not result in unacceptable harm to the living conditions of the surrounding residents.
12. Accordingly, in consideration of effect on living conditions the proposal would comply with Policies D3, D6, and D14 of the LP, Policies CS1 and CS5 of the CS, Policies DM01 and DM04 of the DMP, and the guidance set out within the RDG and SDC, which when read together require new development to avoid significant adverse noise impacts and deliver adequate outlook for future users.

Other Matters

13. The proposal would increase the supply and diversity of housing, making efficient use of and optimising the use of the land. However, a previously approved scheme would provide for 4 flats, as such the gain by one further flat, to local housing supply, would be minimal. Accordingly, the benefit to local housing supply would not outweigh the above identified harm to the character and appearance of the area and resultant conflict with the development plan.
14. The site has been subject to two recent approved schemes that would increase the scale of the development on site. These present works that could be undertaken without the requirement for further planning permission to be given. When considering whether a fallback position exists, it is necessary to assess whether an approved scheme would have a similar or worse effect than the appeal proposal. There appears to be a real prospect that either of these could be implemented and I have no evidence before me to contradict this assertion.
15. Planning permission was granted last year (23/1497/FUL) for the existing property to be replaced with two two-storey semi-detached dwellings. Whilst the approval is of a similar width to that of the proposal, the design is clearly two semi-detached dwellings which individually possess narrow profiles and reflect the character of the surrounding pairs of semi-detached dwellings. Furthermore, the first-floor rear building line would not project to the extent of the appeal proposal, giving the side elevation a narrower profile, and there are only two discreet rear dormers. This has the effect of reducing its massing and avoiding an overbearing appearance when viewed from the highway and surrounding area. This would have a lesser effect on the streetscene and thus I attached only limited weight to any fallback position asserted by this scheme.
16. Also, planning permission was granted last year (23/1496/FUL) for the property to be extended and converted to provide four self-contained flats. Whilst the front elevation shares a similar design to that of the appeal proposal, its width is notably reduced, preventing a bulky form. Furthermore, the increased separation of the first-floor side elevation from the highway and reduced first-floor rear projection prevent the loss of spaciousness and sense of overbearing that the appeal proposal would give rise to. In addition, the approved scheme utilised three modest dormers limiting their prominence

within the street scene, in comparison to the proposal's six which would appear far more conspicuous. Consequently, this approved scheme would also have a lesser effect on the streetscene and thus I also attached only limited weight to any fallback position asserted by this scheme.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Ben Plenty

INSPECTOR