



# Appeal Decision

Site visit made on 28 August 2024

**by Joanna Gilbert MA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 02 September 2024**

**Appeal Ref: APP/N5090/W/24/3343704**

**90 The Ridgeway, Golders Green, London NW11 9RU.**

- 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 Jennabay Ltd against the decision of the Council of the London Borough of Barnet.
- The application Ref is 23/5019/FUL.
- The development proposed is part single, part two storey front, side and rear extensions and roof extension including 1no. rear and 1no. side dormer window. Creation of a new basement including front and rear lightwells. Conversion of property into 3no. self-contained flats with associated amenity space, refuse storage, cycle parking and provision of off-street parking spaces.

## Decision

1. The appeal is allowed and planning permission is granted for part single, part two storey front, side and rear extensions and roof extension including 1no. rear and 1no. side dormer window. Creation of a new basement including front and rear lightwells. Conversion of property into 3no. self-contained flats with associated amenity space, refuse storage, cycle parking and provision of off-street parking spaces at 90 The Ridgeway, Golders Green, London NW11 9RU in accordance with the terms of the application, Ref 23/5019/FUL, subject to the attached schedule of 15 conditions.

## Preliminary Matters

2. The appeal property has an extensive planning history, including application 22/1360/HSE for formation of a basement level with associated lightwells; part single, part two storey side and rear extensions; roof extension involving side and rear dormer windows which was refused on 11 May 2022 and allowed at appeal<sup>1</sup>. The appeal proposal included rear lightwells to the appeal property. There are also extant planning permissions<sup>2</sup> for the conversion of the building into three flats with associated extensions. A non-material amendment to 23/2832/FUL was approved on 27 February 2024 (24/0595/NMA).
3. Given the aforementioned planning history, the Council acknowledges that the majority of the proposed development already benefits from extant planning permission under application 23/2832/FUL which would substantially alter the existing house, while the Council raises no concerns in relation to an additional first floor side extension. The only element of the proposed development in the Council's reason for refusal pertains to the front lightwells proposed and this is where I have focussed my consideration of the appeal.

<sup>1</sup> APP/N5090/D/22/3302372, decision issued 25 April 2023.

<sup>2</sup> 21/5834/FUL granted 21 February 2022; 22/4062/FUL granted on 3 October 2022; and 23/2832/FUL granted on 17 October 2023.

4. The Council has referred to an emerging Local Plan at Examination. As I have not been provided with the emerging Local Plan, I have determined this appeal with reference to policies from the existing adopted development plan.

### **Main Issue**

5. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

### **Reasons**

6. Located on The Ridgeway's southern side, the appeal property is a two-storey semi-detached house surrounded predominantly by other two-storey detached, semi-detached and terraced houses of Arts and Crafts influenced architecture and detailing. Both 90 The Ridgeway and its attached neighbour at 88 The Ridgeway are characterised by their matching large front gables with asymmetric pitched roofs and shared front dormer within the main roofslope.
7. The two proposed front lightwells would be positioned adjacent to the front of the building at No 90. They would be covered by grilles flush with ground level and would be screened by planters and landscaping. Parking spaces, refuse storage, further hard and soft landscaping and a low front wall would separate the planters and the front lightwells from the footpath adjoining The Ridgeway.
8. The Council's Residential Design Guidance Supplementary Planning Document (2016) (SPD) confirms at paragraph 14.45 that lightwells at the front need to appear as discreet interventions that do not harm the character or appearance of the building and its frontage. It adds that in situations where lightwells are not part of the established streetscene, the nature of the front garden will help to determine their suitability. Where a front garden's depth is sufficient, the SPD states that lightwells are more easily concealed by landscaping and boundary treatments providing a visual buffer from the street. It confirms that in such circumstances lightwells that are sensitively designed may be acceptable, subject to other design requirements.
9. Given the garden's depth and the level of hard and soft landscaping proposed, including the proposed planters, it would not be possible to see the proposed front lightwells from the streetscene. They would only be likely to be visible from No 90 itself or from directly adjacent properties, and only when close to the lightwells. As such, the proposed front lightwells' siting, size, and appearance would respect their context and the established pattern of development. Due to their discreetness and lack of visibility within the streetscene, they would not be visually incongruous or unsympathetic. They would not therefore harm the character and appearance of the area.
10. Other lightwells have been approved at 1 and 9 The Ridgeway and 35 and 62 Armitage Road. While these are not identical in terms of the size, design or layout of the lightwells or the host properties, they do not alter my findings that the proposed front lightwells at No 90 would not be harmful.
11. In conclusion, the proposed development would not have a harmful effect on the character and appearance of the area. Consequently, it would comply with Policy D3 of the London Plan (2021), Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (2012), Policy DM01 of Barnet's Local Plan Development Management Policies (2012), and the SPD, insofar as these policies and

guidance deal with optimising site capacity through a design-led approach and having regard to protecting and enhancing Barnet's character and appearance.

## **Other Matters**

12. The effect of development on property values is not generally considered to be a planning matter. The same could also be said with regard to the letting of properties during construction. While noise and disturbance may arise during construction, this is to be controlled by means of a condition on construction management.
13. As much of the proposed development already benefits from planning consent and openings on the flank elevation are to be restricted, the appeal proposal would have no greater effect on light and privacy than other schemes which could be implemented and would not to my mind be detrimental to the living conditions of neighbouring occupiers. Furthermore, the proposed development would not contribute to any perceived overdevelopment, over and above that already consented.
14. Waste management and parking provision are to be controlled by condition. Concerns about property maintenance, anti-social behaviour and effects on the local sense of community are unevidenced and would in any event be managed by different mechanisms if problems were to occur in the future.

## **Conditions**

15. In addition to the standard time limit (1), I have imposed a condition (2) specifying the approved plans for clarity and certainty. A condition (3) requiring materials to match the existing building is necessary for consistency with the character and appearance of the host building and its adjoining neighbour. To ensure neighbouring occupiers' privacy, condition (4) requires that the large flat roofed extension is not used as outdoor recreational space.
16. In terms of pre-commencement conditions, two conditions (5 and 6) are necessary to ensure that construction works do not have a negative effect on highway safety or give rise to undue noise and disturbance or harm to air quality and to protect and retain any existing trees on site. The appellant agreed to all conditions, including pre-commencement conditions in their final comments.
17. Conditions on sound insulation (7) and requiring the layout of amenity areas (8) are necessary to safeguard living conditions and character and appearance. To ensure efficient use of water and to meet carbon emission reduction requirements, conditions (9 and 10) are necessary. Condition (11) is required to ensure that refuse storage provision is adequate and maintains the character and appearance of the area. In the interests of promoting sustainable transport, condition (12) requires cycle storage provision and parking. To maintain neighbours' privacy, condition (13) controls obscure glazing and closure of windows on the flank elevation. Condition (14) is necessary to ensure that parking provision is made. A condition (15) requiring a scheme of landscaping is necessary in the interests of biodiversity and visual amenity.
18. A pre-commencement condition was proposed with regard to a widened vehicle crossover for sign-off by the Highway Authority. I have not included this condition as it was not within the control of the Local Planning Authority and required an agreement which should have been secured through a legal

agreement. Additionally, a condition was proposed to restrict the insertion of additional windows and doors facing 88 and 92 The Ridgeway. However, this is adequately controlled by the plans condition as the approved flats would not benefit from permitted development rights.

## **Conclusion**

19. For the reasons given above, the proposed development would accord with the development plan when it is read as a whole. The appeal should therefore be allowed, subject to the conditions specified in the attached schedule.

*Joanna Gilbert*

INSPECTOR

## **Schedule of 15 Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 090RI-A-01-001 REV 1 Location Plan; 090RI-A-01-002 Block Plans; 090RI-A-02-001 REV 1 Existing Front Visualisation; 090RI-A-02-002 REV 1 Existing Rear Visualization; 090RI-A-03-001 REV 1 Existing Ground Floor Plan; 090RI-A-03-002 REV 1 Existing First Floor Plan; 090RI-A-03-003 REV 1 Existing Loft Plan; 090RI-A-03-004 REV 1 Existing Roof Plan; 090RI-A-05-001 REV 1 Existing Section A-A; 090RI-A-05-002 REV 1 Existing Section B-B; 090RI-A-06-001 REV 1 Existing North Elevation; 090RI-A-06-002 REV 1 Existing South Elevation; 090RI-A-06-003 REV 1 Existing West Elevation; 090RI-A-06-004 REV 1 Existing East Elevation; 090RI-A-02-101 Proposed Front Visualization; 090RI-A-02-102 Proposed Rear Visualization; 090RI-A-03-100 Proposed Basement; 090RI-A-03-101 Proposed Ground Floor Plan; 090RI-A-03-102 Proposed First Floor Plan; 090RI-A-03-103 Proposed Second Floor Plan; 090RI-A-03-104 Loft Area Calculations; 090RI-A-03-106 Proposed Roof Plan; 090RI-A-05-101 Proposed Section A-A, 090RI-A-05-102 Proposed Section B-B; 090RI-A-05-103 Proposed Section C-C; 090RI-A-06-101 Proposed Elevation; 090RI-A-06-102 Proposed Elevation; 090RI-A-06-103 Proposed Elevation; and 090RI-A-06-104 Proposed Elevation.
- 3) The materials to be used in the external surfaces of the building shall match those used in the existing building.
- 4) The roof of the extension hereby permitted shall only be used in connection with repair and maintenance and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
- 5) No development or site works shall take place on site until a Demolition and Construction Management and Logistics Plan (DCMLP) has been submitted to and approved in writing by the Local Planning Authority. The DCMLP submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction; and
- x. details of a community liaison contact for the duration of all works associated with the development.

The development shall thereafter be implemented in accordance with the measures detailed within the approved DCMLP.

- 6) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority. No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.
- 7) Prior to the first occupation of the approved units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).
- 8) Prior to the first occupation of the approved units, details of the sub-division of the amenity areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before first occupation and retained as such thereafter.
- 9) Prior to the first occupation of the approved units, they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling unit shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach used to determine the water consumption of the proposed development. Any use of grey water

and/or rainwater systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance in Part G of the Building Regulations. The development shall be maintained as such in perpetuity thereafter.

- 10) Prior to the first occupation of the approved units, the development shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.
- 11) Prior to the first occupation of the approved units, details of enclosures and screened facilities for the storage of recycling and refuse storage containers and wheeled refuse bins, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation and retained as such thereafter.
- 12) Prior to the first occupation of the approved units, cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and the cycle parking spaces and cycle storage facilities shall be permanently retained thereafter.
- 13) Prior to first occupation of the approved units, the proposed windows in the side elevation at first and second floor level facing 92 The Ridgeway shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
- 14) Prior to first occupation of the approved units, two parking spaces shall be provided and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.
- 15) Prior to first occupation of the approved units, a scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the building or completion of the development, whichever is sooner. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.