

Appeal Decision

Site visit made on 6 August 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2024

Appeal Ref: APP/N5090/W/23/3333640

Edera, Hendon Wood Lane, Barnet Gate, Barnet, London NW7 4HS

- 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 Soni of HARRIMIS LIMITED against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/3111/FUL.
 - The development proposed is demolition of existing bungalow and construction of a new two storey detached single family dwelling house, associated hard and soft landscaping, refuse storage, cycle parking and off street car parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and
 - living conditions of the occupiers of Berbell Cottage, with regard to daylight.

Reasons

Character and appearance

3. Hendon Wood Lane is a residential street comprising a mix of detached properties with differences in design and appearance. The variety in the street contributes positively to the character and appearance of the area. The properties are generally set centrally within relatively narrow plots with some set back from the shared boundaries. An exception to this is the property known as Woodview Lodge, a two-storey dwelling at the shared boundary with the appeal site with limited set back. Nonetheless, the similarity in the general scale of the built form and spaces around the properties creates a harmonious and balanced character.
4. The appeal site is located in between a bungalow and a two-storey property, and the proposal would introduce a two-storey dwelling where currently there is a bungalow. It would respond positively to the prevailing pattern of roofs as they step down along Hendon Wood Lane and would add to the visual interest

of the existing varied appearance in the properties in the surrounding area. In numerical terms the proposal would have a similar footprint to the existing bungalow at the site. However, it would not be located centrally within the narrow plot and would be on the shared boundary with Woodview Lodge.

5. Even though the first-floor level would be set back from the boundary, the built form at ground floor level would fill the open space up to the shared boundary entirely. The proposal would appear cramped within the narrow plot as a consequence and would not reflect the existing spacings generally between dwellings along Hendon Wood Lane. In combination with the increased bulk and massing from the two-storey proposal, it would unbalance the character and appearance of the area, particularly given the proximity to the shared boundary of the two-storey Woodview Lodge.
6. The proposal may well follow the natural progression of the rear building line and would not breach the '45 degree' line from the rear windows of Woodview Lodge. Nonetheless, its scale, massing and height in relation to other buildings and spaces would not respond positively to the surrounding area's building forms and pattern of development, as advised in the Residential Design Guidance Supplementary Planning Document (SPD) (2016). The proposal would detract from the positive aspects of the built environment and in doing so would not reinforce the character of the area.
7. To conclude on this main issue, the proposal would be harmful to the character and appearance of the area, in conflict with Policy D3 of the London Plan (2021), Policies CSNPPF, CS1 and CS5 of Barnet's Local Plan Core Strategy (2012) (CS) and Policies DM01 and DM02 of Barnet's Local Plan Development Management Policies (2012) (DMP). These policies seek development that improves the economic, social and environmental conditions in Barnet. Proposals are required, amongst other things, to optimise site capacity by ensuring that development is of the most appropriate form for the site, respecting local context and distinctive local character.
8. In addition, the proposal would be contrary to the guidance in the SPD with regard to new residential development.

Living conditions

9. There are two side windows at Berbel Cottage close to the shared boundary which the Council have said are the sole windows of habitable rooms, as identified during a site visit. Even if these windows were originally proposed to be secondary windows there is no firm evidence that they do not now serve as the sole windows for habitable rooms.
10. The introduction of a two-storey dwelling at the appeal site and the relatively narrow gap between the properties would create an enclosing effect. While partially screened by the existing boundary treatment between the appeal property and Berbel Cottage, and even though a gap would remain between the two properties, the proposal's two storey height would result in a noticeable difference in the built form above the boundary treatment, obscuring more of the sky. As such, there would be a noticeable reduction in the amount of daylight the rooms at Berbel Cottage would receive, diminishing the living conditions of the occupiers.

11. Accordingly, the proposal would be harmful to the living conditions of the occupiers of Berbel Cottage with regard to daylight, in conflict with Policy CS5 of the CS and Policy DM01 of the DMP. These policies include a requirement for buildings of high-quality design that allow for adequate daylight for adjoining occupiers. It would also be contrary to the design aspects for new residential development set out in the SPD in relation to safeguarding residential amenity.

Conclusion

12. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR