

Appeal Decision

Site visit made on 21 August 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2024

Appeal Ref: APP/N5090/W/24/3342810

Land rear of 61 & 63 Bow Lane, North Finchley, Barnet, London N12 0JL

- 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 CR Developments & Construction Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/1820/FUL.
 - The development proposed is the renovation of seven existing dilapidated garages to create a single storey 3 bedroom dwelling at land rear of 61 & 63 Bow Lane, Finchley, N12 0JL.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - Whether the proposals would provide adequate living conditions for future occupants with regards to privacy, outlook, and light, and;
 - the effect of the proposals on the character and appearance of the area.

Reasons

Living conditions

3. The appeal proposal involves the creation of an 'L' shaped dwelling behind two-storey semi-detached houses at 61 and 63 Bow Lane. The dwelling would be arranged around a square courtyard, which would provide the only private amenity space and be enclosed on its eastern side by a solid fence some 1.8m tall, topped by a trellis adding some 300mm.
4. Whilst the fence and trellis would block views in to part of the courtyard, occupiers of 61 and 63 would nevertheless have a direct line of sight into a significant portion of it from their first-floor windows, and into an even greater portion from their dormer windows above. Given the short distance between these windows and the courtyard, occupiers of the proposed dwelling would experience a pronounced and highly intrusive lack of privacy. In addition, the presence of occupiers of 61 and 63 at their windows would be clear, and create a disconcerting sense of being overlooked that would

exacerbate the loss of privacy. These factors would severely discourage use of the proposed amenity space.

5. The proposed living and dining area would be served by substantial glazing in the eastern elevation of the dwelling. To address what, due to the proximity and direct sightlines, would otherwise be harmfully intrusive overlooking into the living areas from the windows at 61 and 63, privacy glazing is proposed. This is indicated to involve slatted louvres.
6. On the evidence before me, if the louvres were deployed to prevent a loss of privacy they would also reduce natural light and erode the quality of outlook, particularly in respect of views of the sky. Whilst the high-level windows and skylights would still provide some natural light in the room, closing the louvres would nevertheless create an oppressive feel. I find it likely that occupiers of the proposed dwelling would activate the louvres to preserve their privacy and, as such, the arrangement would result in a dwelling with inadequate levels of natural light and harmfully poor outlook.
7. I recognise that tree planting in the courtyard, as indicated on the plans, could reduce overlooking. However, I have no evidence that tree coverage would be sufficiently comprehensive, given no planting could occur behind the entrance gates. I also have no evidence that trees with foliage sufficiently dense to preserve privacy would not also block natural light, reduce outlook, and create an overbearing sense of enclosure at the appeal property. For these reasons, I do not find landscaping to be an appropriate remedy to overlooking.
8. I appreciate that the proposed dwelling would not be overlooked from the ground floor level of neighbouring homes, or from the public realm. Nevertheless, the extent of overlooking from higher level windows as described above is such that, overall, the proposals do not provide reasonable levels of privacy.
9. The proposed development would not provide adequate living conditions for future occupants, contrary to Policy D6 of the London Plan (2021), Policy CS5 of the Barnet Local Plan (Core Strategy) (2012), Policies DM01 and DM02 of the Barnet Local Plan (Development Management Policies) DPD (2012), the Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016), where they require housing development to be of a high design quality, and allow for adequate daylight, sunlight, privacy, and outlook.

Character and appearance

10. The local area is predominantly characterised by traditional suburban housing laid out in back-to-back fashion. Rear gardens along Bow Lane combine with those on Queens Avenue and Clifton Road to form a corridor of largely open, residential space. Detached buildings located at the far end of gardens are very common locally, with many occupying the width of their plots. These buildings combine to create a spine of development running down the centre of the space, culminating at its northern end in a large, two-storey building at 7 Barrymore that bears signs of residential use, and a long garage block off Queens Avenue.

11. The appeal site hosts existing garages arranged in a similar manner to the proposed dwelling, albeit with a lesser total footprint and height. Aside from its derelict condition, the land has a utilitarian, functional feel, distinct from neighbouring residential gardens. The bulk of the site is not visible from the road and is at the end of a reasonably long, single-width access. As such, the development would have a negligible effect on the character or appearance of the area as appreciated from public vantage points.
12. Neighbouring occupiers would have views, largely partial, of the proposed dwelling from nearby gardens and from upper rear windows. They would see a taller building with a notably different roof compared to the existing garages, built tight to the edges of the plot. Nevertheless, the increase in height would be modest. The dwelling would largely occupy the same area and be of a recognisably similar shape to the garages, which neighbours are accustomed to seeing, and would take place on what would be known as a developed site rather than garden land. The western leg of the proposed dwelling would be of a similar width and depth to the more substantial garden buildings nearby, particularly that at 59 Bow Lane, which would neighbour it.
13. Whilst a residential use would be new to the site, the extent and effect of domestic activity would be limited to that from one family. In the context of what is already a busy residential area, considering also the previous and possible levels of activity from the existing garages, and in the context of the neighbouring garden buildings, activity associated with one dwelling would not change or harm the suburban character of the area.
14. In all, given the negligible effect from public vantage points, the existing nature of the site, the modest increase in the extent of built form, and the extent of surrounding development, I find the proposals would preserve the character and appearance of the area, and accord with Policies D1, D3, and D4 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and LB Barnet, and the Residential Design Guidance SPD (2016), therefore.

Planning Balance

15. I recognise the proposed dwelling would be in an established residential area within walking distance to important local facilities and public transport links and, as such, would adhere to the overarching objective of the planning system to provide new homes in accessible locations. The proposal would also support the Government's objective of significantly boosting the supply of homes and could be built-out relatively quickly. Though I have no evidence that the site could not be returned to active use without new development, I appreciate that the scheme would address a run-down plot.
16. In addition, the proposal would incorporate a highly energy-efficient property, and could incorporate features promoting biodiversity, again in adherence to overarching policy aims. While the proposal may make a more efficient use of land, which the Framework is supportive of, in doing so it would not secure a well-designed and beautiful place, which the Framework requires to achieve this aim. Cumulatively, given the magnitude of the

development, these benefits would be afforded no more than moderate weight in favour of the appeal scheme.

17. Notwithstanding the above, in terms of harm, the proposed development would not comply with the policies of the development plan regarding its significant effects on living conditions for its future occupiers. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, and I find that the adverse impacts of the proposal are matters of significant weight against its approval that outweigh the moderate weight to the stated benefits.

Conclusion

18. I am satisfied that the development would respect the character and appearance of the local area. However, this would not overcome my concerns in terms of its effect on living conditions for future occupiers. As such, 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. The appeal is dismissed.

A Knight

INSPECTOR