

Appeal Decision

Site visit made on 13 August 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/N5090/W/24/3343294

24 Decoy Avenue, Golders Green, Barnet, London NW11 0ET

- 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 & Mrs Green against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/3714/FUL.
 - The development proposed is demolition of the existing dwelling and construction of a replacement dwelling including parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refused the application for two reasons. Reason 2 related to the failure to confirm the presence or absence of roosting bats. The appellant's submission of its Bat Emergence and Re-entry Survey report (Arbtech, July 2024) is sufficient for the Council to withdraw its refusal reason. I have considered the appeal on this basis.
3. The appellants have stated that the development would assist them in living within easy walking distance of the synagogue. In accordance with the Public Sector Equality Duty (PSED), I have taken this into account in determining this appeal.

Main Issue

4. The main issue is the effect of the proposed gable features on the character and appearance of the surrounding area.

Reasons

5. The appeal property (No 24) is a detached dwelling set within a predominantly residential area. Despite Decoy Avenue containing a variety of house designs the majority of properties maintain a strong horizontal emphasis to their front elevations, which is discernible within the streetscene.
6. The proposed dwelling would incorporate a pitched roof with two gable features set on either side of the main access to its front elevation. The ridge of each gable would be set at right angles to the main roof set slightly down

from the main ridgeline. The eaves of each gable would project above the eaves line of the proposed dwelling and their combined width would span across the majority of the front elevation.

7. Even if the overall height of the proposed dwelling would maintain a similar height to the existing property, the proposed gables would, due to their overall width and height, draw the eye upwards and result in a vertical emphasis to the front of No 24. The presence of such features would therefore dominate the proposed front elevation and the resultant verticality would appear discordant with the prevailing character of the streetscene.
8. My attention has been drawn to a number of dwellings within Decoy Avenue, namely Nos 14, 16, 22, 30 and 31, which the appellants contend have gables or where roofs have been amended from hip to gable.
9. I acknowledge that No 30 appears different to other properties within Decoy Avenue. However, the roof design and scale of the catslide dormer to the front are similar to its immediate neighbours Nos 32 and 34. As such, the proportions of this dwelling do not appear out of character within its immediate context.
10. With regard to No 31, I do not know the circumstances under which the three projecting features to the front came about. Whilst they echo the flat roof dormer features of nearby buildings, their overall height in this instance creates a vertical emphasis to its front elevation which appears visually discordant to those in the immediate area.
11. From observations on site, the eaves of the gable to the front of No 14 do not appear to project above the eaves of the main roof. While the gable is visually apparent when viewed in context, its overall design maintains a low profile. Furthermore, despite gables to the main roof of Nos 16 and 22, these properties maintain a predominant single-storey appearance with a horizontal emphasis.
12. The hipped roof loft conversion to No 26 appears anomalous in its context. However, despite this and given the shallow depth of the dormer to the front, the property retains a horizontal appearance. Even if properties on Hurstwood Road have gables, this street is predominantly formed by two-storey semi-detached dwellings and is different in context to the appeal before me.
13. For the reasons given above, I conclude that the proposed dwelling would be materially harmful to the character and appearance of the surrounding area, contrary to Policy D3 of the London Plan 2021, Policy DM01 of the Barnet's Local Plan (Development Management Policies) Development Plan Document 2012, and Policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Documents 2012, which collectively seek to ensure that new development positively responds to local distinctiveness through their scale, appearance and shape. There would also be conflict with the Local Plan Supplementary Planning Document: Residential Design Guidance 2016, which seeks, amongst other matters, to ensure new development complements or improves the character of the area through its appearance, architectural detailing, and integration with surrounding land.

Other Matters

14. Whilst I am sympathetic to the time taken by the Council to determine the original application and the level of service provided, this is not within the scope of my assessment, which must focus on the planning merits of the appeal proposal.
15. The absence of harm to the amenity of nearby neighbours is a neutral matter in the overall planning balance, as this would be a likely requirement of any well-designed development. Furthermore, the low number of objections from neighbouring properties does not in itself render the scheme acceptable.

Planning Balance and Conclusion

16. I have had due regard to the PSED, contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's religion.
17. I note that the appellants claim that the proposed dwelling would provide a smaller family home within easy walking distance of the synagogue. However, set against the need to safeguard the character and appearance of the streetscene and surrounding area, and in the absence of any evidence to demonstrate that the proposed dwelling could not be achieved in a less harmful way; and in the public interest, dismissing the appeal is a proportionate response in this case.
18. On balance, the proposal conflicts with the development plan taken as a whole, and material considerations do not indicate a decision otherwise than in accordance with the development plan. I therefore conclude that it is proportionate and necessary to dismiss the appeal.

L Clark

INSPECTOR