



Appeal Decision

Site visit made on 19 September 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/N5090/W/24/3345329

125 Friern Barnet Road, Barnet, London N11 3DY

- 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 Saliba against the decision of the Council of the London Borough of Barnet.
 - The application reference is 24/0284/FUL.
 - The development proposed is the erection of two single storey dwellings, 1no 2 bed 4 person, 1no 1 bed 2 person, with gardens and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The proposal is to erect two detached single storey dwellings on land to the rear of the appeal property, which is a building in use as a House in Multiple Occupation. The Council has referred to the dwelling proposed on the southeast part of the site as Building A and its counterpart on the northwest portion of the site as Building B. For consistency, I shall do likewise.

Main Issues

3. The main issues are the effect of the proposed development firstly, on the character and appearance of the local area; secondly, on the living conditions of the occupiers of 127 Friern Barnet Road with regard to visual impact; and thirdly, whether the proposal would provide satisfactory living conditions for future occupiers with reference to privacy.

Reasons

4. The Council has recently granted two planning permissions, each of which includes a single storey dwelling on the site, with access from Carlton Road. The key differences between the approved schemes and the proposal before me are the introduction of an additional dwelling, which is Building A, and the subdivision of the site to form two separate residential plots. Given these earlier planning decisions, I shall follow the Council's approach and focus on Building A and the totality of the development sought.

Character and appearance

5. The new dwellings would occupy a parcel of unkempt grassland behind buildings that mainly address Friern Barnet Road and Carlton Road, within a predominantly residential area. As the new additions would be situated in a

back-land position, to the rear of existing dwellings, the proposal would contrast with the more traditional linear pattern of existing dwellings in the local area that tend to directly address the road. Nevertheless, the recent planning history of the site clearly establishes the principle of a single dwelling on the site, with access from Carlton Road.

6. The new dwellings would be placed at either end of the rectangular shaped site with a central grassed area between them, to be used as outdoor amenity space by future occupiers. In this position, the side and rear walls of Building A would be set back from, although still close to, the boundaries of the site. Building B would also nestle into a corner of the site, with its flank wall up to the common boundary with properties on Glenthorne Road. With limited space around Building A on 3 sides, Building B on 2 sides, and a modest separation distance between the new dwellings, the appeal scheme would appear unduly cramped in terms of layout. By adding 2 new dwellings in this way, even within a self-contained development, the proposal would relate uneasily with the more spacious pattern of existing development, in which properties mostly occupy larger plots and include deeper gardens. It would also markedly contrast with the approved schemes, which both include an area of open space to one side of the new single storey dwelling.
7. The new buildings would be modest in height and include flat roofs. As such, the proposed built form would keep a relatively low profile within the site. The Council's minimum space standards for internal living accommodation and outdoor amenity space would be met. I also saw that the gardens of several nearby properties include sizeable outbuildings with some that are close together. However, in contrast, the proposal would result in the subdivision of the site into 2 distinct residential plots. The character of the site would be transformed from an area of neglected grassland to one occupied by 2 dwellings where people would independently live and visit. The access arrangements from Carlton Road and inclusion of bin and cycle stores coupled with day-to-day domestic activity of future occupiers would clearly differentiate the proposal from ancillary outbuildings and structures typically found within residential gardens.
8. The proposed dwellings would be erected at the end of a single-width access, away from the public highway. As such, the appeal scheme would have a limited effect on the character and appearance of the street scene, and the area as appreciated from public vantage points. However, it would be visible from the upper rear windows and back gardens of some nearby properties, which similarly form part of the area's character as experienced by others. From these locations, the proposal would draw the eye as an overly intense, visually disruptive and an uncharacteristic addition to the local area.
9. On the first main issue, I therefore conclude that the proposed development would cause significant harm to the character and appearance of the local area. As such, it conflicts with Policy DM01 of the Barnet's Local Plan (Development Management Policies) (DMP), Policies CS1 and CS5 of the Barnet's Local Plan (Core Strategy) (CS), and Barnet's Local Plan Supplementary Planning Document (SPD): Residential Design Guidance. The appeal scheme is also at odds with the policies of the National Planning Policy Framework (the Framework). These policies state that development should add to the overall quality of the area and be sympathetic to local character.

Living conditions – No 127

10. The flank wall of Building A would be close to and parallel with the common boundary with 127 Friern Barnet Road. As a result, part of the rear garden to this neighbouring property would be enclosed by the proposal. While Building A would project above the fence that marks this boundary, I attach some weight to the modest height of the proposed dwelling, and its set back position alongside only part of the shared boundary with No 127.
11. While clearly visible from the rear of No 127, on balance, I find that the presence of Building A would not be so great as to overbear or be unduly imposing. Hence, the living conditions of the occupiers of No 127 would not be materially reduced. Accordingly, the proposal does not conflict with CS Policy CS5, DMP Policies DM01 and DM02, and the Council's SPDs Sustainable Design and Construction and Residential Design Guidance insofar as they aim to safeguard residential amenity.

Living conditions - future occupiers

12. The inclusion of obscure glazing in the rear-facing window of Building A, which serves a bedroom, would overcome potential overlooking problems from the back garden of No 125. Although this measure is not ideal given that the window serves a main habitable room, the internal space is served by a large second window that faces the green space at the front of the new dwelling. As a result, the bedroom would remain light and airy and would not feel gloomy or uninviting with an obscured window in place.
13. Building A would largely shield views from the upper rear windows of No 125 towards the grassed area between the new dwellings. Consequently, users of this area of amenity space would not experience an undue loss of privacy. There would also be views over the boundary fence towards the outside space around the back of Building A from the rear garden of No 125. However, in my experience, overlooking of this type is a common characteristic of the relationship between the adjoining gardens of neighbouring properties.
14. Considering all these points, the overlooking possible would not have a significant impact on the living conditions of future occupiers. On the third main issue, I therefore conclude that the proposal would provide satisfactory living conditions for future occupiers. On that basis, there is no conflict with the policies cited by the Council insofar as they aim to protect privacy.

Other matters

15. The proposal would make an efficient use of the site. Once complete, it would add to the supply and choice of housing in the local area. However, these considerations, and my favourable findings in relation to the second and third main issues, do not outweigh the significant harm that I have identified in relation to the effect on the character and appearance of the local area.
16. Reference is made to several other examples of residential development in back-land locations that have been approved with some details and photographs provided. In my experience, it is rare that direct parallels can be drawn between one site and another because local circumstances often vary. From the information provided, there are significant differences in terms of location, proposals and characteristics between the sites quoted such that

preclude any meaningful comparison with the appeal scheme. In any event, each development should be assessed on its own merits, as I have done.

17. Interested parties raise additional concerns in relation to the effect of the proposal on vehicle parking and the potential for noise and general disturbance. These are important matters, and I have considered all the submitted evidence. However, given my finding on the first main issue, these are not matters that have been critical to my decision.

Conclusion

18. The proposed development conflicts with the development plan, when read as a whole. There are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR