



Appeal Decision

Site visit made on 1 October 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/N5090/W/24/3339558

57 Ballards Lane, Finchley, Barnet, London N3 1XQ

- 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 Zana Properties Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/5145/FUL.
 - The development proposed is erection of single storey building at the rear to provide a single dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of future occupiers, with regard to daylight, sunlight and outlook.

Reasons

3. The proposal is a long open plan studio, served by a light well, skylight., glazed patio doors and two small windows to the rear and a small window and door to the side. The arrangement of buildings is such that the appeal site is located within a relatively narrow gap between the neighbouring properties' rear projections and boundary wall.
4. The Sustainable Design and Construction Supplementary Planning Document (2016) (SPD) advises that the amount of daylight available in buildings enhances people's quality of life and reduces energy use. The large section of glazing at the rear elevation would be northwest facing and at one end of the linear studio. Taking account of the four-story neighbouring building adjacent to the proposal and the orientation of the sun, this would result in poor sunlight levels inside the proposed studio.
5. There would also be reduced sunlight reaching the room from the lightwell and skylight owing to the shadowing effect of the three-storey building at 57 Ballards Lane at certain times of the day. Furthermore, given the proximity and height of the neighbouring building there would also be limited daylight reaching the side window which would further diminish the amount of natural light inside the room. Consequently, the proposed studio would be a largely dark and uninviting space, with occupiers relying on artificial light.
6. The rear facing windows and side window would look out at close range onto an enclosed yard and blank wall respectively which would dominate the

outlook from these windows. Despite the skylight and lightwell allowing views out towards the sky, the room would have a poor outlook. The area of fenestration to the rear would not be unduly small, nevertheless, and irrespective of the precise distance to the rear boundary treatment, there would be an uninviting outlook with limited views.

7. As such, the proposal would be harmful to the living conditions of future occupiers, with regard to daylight, sunlight and outlook, in conflict with Policy D6 of the London Plan (2021), Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (2012) and Policies DM01 and DM02 of Barnet's Local Plan Development Management Policies (2012). These policies include a requirement for the highest standards of design so that development provides adequate daylight, sunlight and outlook to ensure compliance with relevant standards set out in supplementary documents. It would also be contrary to the provision of the SPD in relation to the design of new development.

Other Matters

8. The proposal would be an efficient use of brownfield land, delivering an additional dwelling to the housing supply in an accessible location. The appellant also suggests that the proposal would exceed policy requirements in relation to carbon emissions and the accommodation would be accessible for a range of occupants. These are clear benefits of the proposal.
9. It is not in dispute that the proposal would not have a detrimental effect on the character and appearance of the area and that no harm would be caused to the living conditions of neighbouring occupiers. Policy compliance would also be achieved on highway and parking matters. However, the lack of harm on these matters would be a neutral factor and would weigh neither for nor against the development. Similarly, there is no clear evidence that the proposal's water supply and inclusion of a sedum roof would deliver over and above what is already required by policy.
10. The appellant has indicated that delivery of housing in the borough is below the Council's housing target. However, even if paragraph 11(d) of the National Planning Policy Framework (the Framework) fell to be considered for this, or any other reason, the adverse impacts associated with the substandard living conditions would significantly and demonstrably outweigh the benefits of the limited increase in supply in housing that would result, and the other benefits outlined above. Therefore, the proposal would not benefit from the presumption in favour of sustainable development set out in the Framework.

Conclusion

11. 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 should be dismissed.

F Harrison

INSPECTOR