



Appeal Decision

Site visit made on 6 November 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/N5090/W/24/3345017

Rear of 47 Downage, London NW4 1AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Saar Kurtzmanr against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/1353/PIP.
 - The development proposed is demolition of existing garage and erection of single storey detached building to provide a single dwelling and associated landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or principle in permission stage) establishes whether a site is suitable and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The PPG also states that the scope of the considerations for permission in principle is limited to location, land use, and the amount of development¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. I have been provided with detailed plans showing the layout and elevations of a bungalow that could be erected on the site. Because the proposal is for permission in principle, I have treated these plans as indicative. However, the description of the development is clear that a maximum of one single-storey dwelling is proposed, and I have considered the appeal accordingly.
5. The Council has received the Inspector's report on the examination of the Barnet Local Plan 2021 to 2036 (BLP) and is preparing to adopt the plan. Given that, subject to recommended main modifications, the BLP has been found to be sound, it carries considerable weight. I have therefore had regard to the relevant emerging policies, as well as those within the statutory development plan.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issue

6. The Council has stated that it does not have an objection to the principle of a residential land use on the site. Therefore, the main issue is whether the site would be suitable for residential development having regard to its location and the amount of development.

Reasons

7. The appeal site lies to the rear of 47 Downage and contains a garage, which fronts onto Meadow Drive. Although there is variety in the style of buildings on Meadow Drive, most are two-storey, semi-detached dwellings with double height bay windows. This, along with the general consistency in plot widths, creates a sense of rhythm and cohesiveness that contributes positively to local character. The two dwellings on the south side of the street depart from this context, due to the single-storey height of 8A Meadow Drive, and the uncharacteristic elevational treatments on 10 Meadow Drive.
8. The design of the proposal is a matter for consideration at the technical details consent stage, therefore I am unable to take account of the detailed design measures advanced, including its materials and landscaping. However, in any potential design iteration, the proposed dwelling would be at odds with the prevailing two-storey character of dwellings on this part of Meadow Drive due to its single-storey height. Moreover, given the narrow plot width, any dwelling constructed on this site would be uncharacteristically small and thin.
9. Whilst The London Plan (March 2021) recognises that change is a fundamental characteristic of London, it nonetheless requires developments to be informed by an understanding of a place's distinctive character. In this case, the proposal would fail to integrate sympathetically with the established pattern of development on Meadow Drive, and it would harmfully contribute towards the incongruent form and appearance of dwellings on this side of the street. The proposal therefore conflicts with the advice set out in the Local Plan Supplementary Planning Document: Residential Design Guidance (SPD) (October 2016) which expects proposals to be informed by the local pattern of development. There is also conflict with the National Planning Policy Framework (the Framework), which expects proposals to be sympathetic to local character.
10. The appeal site benefits from a lawful development certificate (LDC), granted in February 2024, for the erection of a rear outbuilding following demolition of the existing garage. There is a reasonable prospect that the outbuilding would be erected in the event the appeal is dismissed, and it could feasibly be larger than the proposed dwelling. However, much like the existing garages on the site, the outbuilding would have a simple form and appearance, and its large street-facing timber doors would reflect existing garages and ancillary structures in the area. The LDC scheme would, therefore, be less harmful to local character than the appeal proposal, which would depart from the prevailing height and scale of most other dwellings on the street. I therefore attach only moderate weight to the LDC as a fallback position.
11. I have been referred to the Council's approval of a scheme at Totteridge Common, in which the presence of an LDC was a determinative matter. In that case, the Council considered the LDC scheme to be more harmful than the development proposed, and it was therefore ascribed positive weight in the

decision-making process. The Totteridge Common development is materially different from the appeal proposal, which would be more harmful than the implementation of the LDC outbuilding.

12. Overall, I conclude that the site is not suitable for residential development, having regard to its location and the amount of development. There would be conflict with Policy D3 of the LonP, Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012) Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012), and emerging Policy CDH01 of the BLP which, taken together, seek to secure developments that preserve and enhance local character.

Planning Balance

13. There would be some social and economic benefits arising from the development, notably an additional dwelling that would contribute towards local housing needs. As a small-site, the development could be built-out quickly to facilitate more optimal residential output on the site. In that respect the proposal carries some support from emerging BLP policies and the Framework. However, a single dwelling would make a very modest contribution to housing supply, and I therefore attribute limited weight to these benefits.
14. There is limited evidence of third-party objection to the scheme, and no harm has been identified in respect of highway safety and parking. There is also no reason to conclude that the development could not be designed so as to safeguard the living conditions of neighbours and to provide an adequate standard of accommodation. It could also comply with development plan policies in respect of sustainability and accessibility. However, the absence of harm is a neutral consideration that does not weigh in favour of the scheme.
15. The appellant contends that the Council has failed to deliver against its housing target in previous years. However, even if paragraph 11(d) of the Framework were engaged for this reason, or for any other reason, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when read as a whole. Therefore, the presumption in favour of sustainable development set out in paragraph 11 of the Framework would not apply.

Conclusion

16. 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. Therefore, for the reasons given above the appeal should be dismissed.

E Catchside

INSPECTOR