



Appeal Decision

Site visit made on 4 December 2024

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2024

Appeal Ref: APP/N5090/W/24/3347875

Flat 1, 10 Grove Avenue, Finchley, Barnet, London N3 1QP

- 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 Christofis Neophitou against the decision of the Council of the London Borough of Barnet.
- The application Ref is 24/1239/FUL.
- The development proposed is demolition of existing outbuilding in rear garden and construction of a 1 bedroom/2 person two storey dwelling with accommodation at ground and basement levels fronting Falkland Avenue; amenity space; cycle parking; refuse and recycle storage.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's officer report indicates that Barnet's Draft Local Plan is at examination. I have not been notified that this has been adopted and I have had regard to current development plan policy in reaching my decision.
3. To address the Council's concerns about sunlight, the appellant has provided an addendum to their Daylight and Sunlight Assessment (5548, March 2024, No. 2). I have no reason to disagree with these findings and have not considered the matter of sunlight further.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of its future occupiers, with particular regard to outlook.

Reasons

a) Character and appearance

5. Grove Avenue and Falkland Avenue contain semi-detached and terraced two-storey properties. Many houses lie behind short front gardens with low boundary walls, fences, and vegetation. Rear gardens are generally modest and contain small outbuildings. Falkland Avenue's ground level slopes upwards from the junction with Grove Avenue.
6. At the corner of the two roads, 10 Grove Avenue is a two-storey extended end of terrace property which is used as flats. The site includes No 10's rear garden, which is wider than neighbouring gardens. Visible from Falkland Avenue, a large flat roofed garage occupies much of No 10's rear garden.

7. The proposed development would involve the demolition of the existing garage and would replace it on a similar footprint with a two-storey detached building with living accommodation at ground and basement levels.
8. The Residential Design Guidance Supplementary Planning Document (2016) (RDGSPD) states that design and layout of new development should be informed by the local pattern of development. It confirms that continuity of building lines, forecourt depths, road layout, space about the building, and rear garden areas are all likely to be significant factors when redeveloping sites.
9. The previous appeal¹ at the site was dismissed. The Inspector found that the juxtaposition between garden spaces and the frontage of properties on corner plots plays an important role in establishing the pattern of development. I agree with the Inspector's findings and highlight the importance of rear gardens in providing a sense of spaciousness. Although the proposed development would not appear significantly larger in footprint and size at ground level than the existing garage, the existing garage is large and dominant and fails to respect the established pattern of development.
10. Additionally, the proposed development would be in residential use, with ground floor fenestration and patterns of activity and use which would draw greater attention. When considered with neighbouring buildings, it is evident that the proposed development's squat appearance and limited amenity space would be at odds with the prevailing character of two-storey houses with front and rear gardens. Consistent with an Inspector's findings in an appeal at 26 Dollis Park², the size, scale and plot size of the proposed development would appear cramped, incongruous, and inappropriate within the local context.
11. The appellant refers to paragraph 135 c) of the National Planning Policy Framework in highlighting that development should not prevent or discourage appropriate innovation or change. While schemes do not always need to emulate their surroundings, the proposed development neither respects the surrounding pattern of development, nor offers any particular innovation.
12. Planning permission has been granted at 159 Etchingham Park Road³, 61 Alan Drive (15/07153/FUL), 43 Henry Road (21/2330/FUL), and 2 Birley Road (20/5079/FUL). However, these examples have greater separation distances or sites of different shapes and alignment. They are not directly comparable.
13. In conclusion, the proposed development would harm the character and appearance of the area. This would conflict with Policy D3 of the London Plan (2021)(LP), Policy CS5 of Barnet's Local Plan Core Strategy (2012)(CS), Policy DM01 of Barnet's Local Plan Development Management Policies (2012)(DMP), and the RDGSPD. The Sustainable Design and Construction SPD (2016) (SDCSPD) is also referred to by the Council, but it is not clear how it is relevant. LP Policy D3, amongst other things, looks to enhance local context and respond to local distinctiveness. CS Policy CS5 seeks to protect and enhance Barnet's character to create high quality places. DMP Policy DM01 outlines that proposals should respect the appearance, scale, mass, height and pattern of their surroundings. The relevant content of the RDGSPD is set out above.

¹ APP/N5090/W/23/3322124, decision issued 19 December 2023.

² APP/N5090/W/23/3322535, decision issued 16 July 2024.

³ APP/N5090/W/20/3259147, decision issued 28 January 2021.

b) Living conditions

14. The proposed development would have one bedroom within the basement. The bedroom's sliding glazed doors would face a lightwell. The lightwell would have two blank walls and a wall with two windows serving the en-suite basement bathroom. The lightwell would be separated from the footway by a fence.
15. The RDGSPD confirms that all habitable rooms should contain at least one main window with an adequate outlook where nearby walls or buildings do not appear overbearing or unduly dominant. The SDCSPD outlines that bedrooms should have a reasonable outlook with clear glazed windows.
16. The basement lightwell would face a narrow, shallow space. This would be oppressive and would not represent a good quality of outlook given the proximity of largely blank walls. While the room would be used as a bedroom, this remains a habitable room. Given the lightwell's siting, width and depth, the proposed development would provide poor quality accommodation for its future occupiers, with regard to outlook. Landscaping would not alter that harm.
17. The appellant has referred to a permission at 2 Birley Road and appeal decisions at 62 Gresham Gardens⁴. However, given the differences in the size and layout of the lightwell here and at Birley Road and Gresham Gardens, the schemes are not comparable with the proposed development.
18. I conclude that the proposed development would cause harm to the living conditions of its future occupiers, with particular regard to outlook. As such, it would contravene LP Policies D3 and D6, CS Policy CS5, DMP Policy DM01, the RDGSPD and the SDCSPD, all of which require provision of appropriate outlook.

Other Matters

19. The proposed development would support the provision of housing within the borough and assist the Government's aim of boosting the supply of housing by providing a dwelling. This is supported by LP Policy H2 on new homes on small sites and DMP Policy DM08 which requires a variety of sizes of new homes. Notwithstanding this, the proposed development would have a harmful effect on the character and appearance of the area and on the living conditions of its future occupiers. Accordingly, the harm identified would outweigh the limited benefit offered by one additional dwelling.
20. I note that a neighbour considers the proposed development's green roof and brick wall would improve outlook for neighbouring occupiers. However, this would have only limited weight in favour of the proposed development and would not outweigh the harm I have found.

Conclusion

21. For the reasons given above, the appeal should be dismissed.

Joanna Gilbert

INSPECTOR

⁴ APP/N5090/W/23/3324035 and 3330846, decisions issued 7 February 2024.