



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: 9th December 2024

Appeal Ref: APP/N5090/W/24/3344543

64 Rosemary Avenue, Finchley, Barnet, London N3 2QN

- 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 Seamus Smith against the decision of Barnet London Borough Council.
 - The application Ref is 23/5271/FUL.
 - The development proposed is the demolition of existing garage and construction of a net-zero carbon in operation, a three-bedroom single-storey family bungalow, complete with a pitched green roof, two courtyard amenity spaces, and a car parking space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has received the Inspector's report following the examination of the emerging Barnet Local Plan 2021 to 2036 (BLP). Given that, subject to the recommended main modifications, the BLP has been found to be sound, it is unlikely to change prior to adoption. The BLP therefore carries considerable weight. I have had regard to the relevant emerging policy, as well as those within the statutory development plan, in my consideration of the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site lies within the rear garden of the host property with a frontage onto Primrose Close. The character of the area is principally derived from the cohesive identity of the buildings on Rosemary Avenue, which are predominantly two-storey terraces with deep back gardens and outbuildings. The two apartment blocks on Primrose Close similarly have shared characteristics in terms of their height and materials. Consequently, they present to the public realm as a pair of buildings, rather than as individual properties with exclusive styles. The consistency in the design and appearance of nearby building groups is a distinctive feature of the area.
5. The dwelling has clearly been designed to be architecturally unique, drawing inspiration from the garden setting and the single-storey height of the nearby outbuildings. However, due to its Z-shape form, the proposed building would be significantly wider and deeper than the adjacent sheds and garages; and its brick exterior, metal railings, and green roof would be atypical of garden

structures in this locality. The low profile and contemporary design of the building would also be at odds with the prevailing two-storey height and traditional appearance of the dwellings on Rosemary Avenue.

6. Backland development already features on Primrose Close. However, the proposed development would fail to integrate sympathetically with the existing apartment blocks due to its single-storey height and distinctive appearance. Consequently, it would be an incongruent structure when viewed from public vantage points on Primrose Close, as well as from the rear windows of dwellings on Rosemary Avenue. The proposal would therefore fail to accord with the Local Plan Supplementary Planning Document: Residential Design Guidance (SPD) (October 2016) insofar as it expects proposals to be informed by the local pattern of development. There would also be conflict with the National Planning Policy Framework (the Framework), which expects proposals to be sympathetic to local character.
7. Due to its location, and the presence of intervening buildings and structures, there would be limited opportunities for longer views of the development. However, due to its width and the height of the metal entrance gates, the proposed dwelling would partially block views that can currently be gained across the gardens and towards trees from Primrose Avenue. Rather, the dwelling would present a wide and largely blank façade to the street. The development would, therefore, have a deleterious effect on public views notwithstanding that the existing garage is of limited architectural merit.
8. In support of the appeal, I have been referred to the development at the former West Finchley Bowling Club, which was granted on appeal¹. However, whilst the bowling club development shows that backland development can be acceptable where appropriate, it is materially different from the proposal in that it comprises the comprehensive redevelopment of the site with multiple dwellings. Therefore, I have not found it to be determinative to my consideration of the proposal.
9. The site could benefit from permitted development (PD) rights for a domestic outbuilding. However, I have limited evidence before me to be able to make a meaningful comparison between the proposed building, and its use as a dwelling, and any alternative development that could comply with PD rights. Therefore, I attach limited weight to the PD rights as a fallback position in the circumstances of this appeal.
10. The evidence includes images of other homes designed by the same architect as the appeal scheme, in Haringey and Southwark. I do not have sufficient information before me to establish the full circumstances that led to those developments becoming established. However, as they are sited outside of the London Borough of Barnet, they could not have been assessed against the same development plan policies as the appeal scheme and, therefore, are not directly comparable.
11. Overall, I conclude that the proposal would cause harm to the character and appearance of the area. It follows that there would be conflict with Policy D3 of The London Plan (March 2021), Policies CS1 and 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

¹ Appeal Decision Ref. APP/N5090/W/19/3237549, dated 23 March 2020

Document (September 2012), and emerging Policy CDH01 of the BLP which, taken together, seek to secure developments that preserve and enhance local character and distinctiveness.

Planning Balance

12. There would undoubtedly be some benefits arising from the appeal scheme. It would deliver a new dwelling in a well-established and accessible residential area thus contributing towards local housing needs. The dwelling would also incorporate measures to combat climate change, which could lead to environmental enhancements.
13. As a residential garden in a built-up area, the site is excluded from the Framework's definition of previously developed land. However, the Framework nonetheless recognises that small sites can often be built out reasonably quickly, and the proposal would better optimise the residential output of the site, which is a key objective of emerging Policy CDH01 of the BLP.
14. However, Policy CDH01 of the BLP is also clear that site optimisation is not divorced from the need to take a design-led approach which, amongst other things, considers local context and character. I have concluded the proposal would be contrary to Policy CDH01 in respect of those matters. Moreover, as a single dwelling, the proposal would make a very modest contribution to local housing needs and the evidence does not indicate there is a housing shortfall in the area. Therefore, the aforementioned benefits carry limited weight in my consideration of the appeal.
15. No harm has been identified with regard to living conditions, the standard of accommodation proposed, highways matters, or parking. The absence of harm is a neutral consideration that weighs neither for nor against the proposal.
16. There is no substantive evidence to indicate that paragraph 11(d) of the Framework is engaged. However, I attach significant weight to the harm that would be caused to the character and appearance of the area. Therefore, even if paragraph 11(d) of the Framework were engaged, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits of the scheme. Therefore, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

17. 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 Catcheside

INSPECTOR