



Appeal Decision

Site visit made on 10 December 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2024

Appeal Ref: APP/N5090/W/24/3349612

24 Montpelier Rise, Golders Green, Barnet, London NW11 9DS

- 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 Shainfeld, of Lionrule Montpelier Ltd, against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/0403/FUL.
 - The development proposed is erection of a single storey outbuilding in the rear garden of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The parties have both submitted a copy of a previous appeal decision (ref APP/N5090/W/21/3282712) for the site, which followed a previous refusal of planning permission, reference 21/1492/FUL, described as 'detached single storey building to house a gymnasium and cycle storage for the 5 flats being built on the site'. The previous appeal was subsequently dismissed and although the proposed use of the building is now different, the parties both acknowledge that this is a resubmission of that previous application. The previous appeal decision therefore represents a material consideration, albeit I have determined the appeal on its own merits based on all of the evidence before me.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the living conditions of the occupiers of 26 Montpelier Rise, with particular regard to privacy, noise and disturbance; and
 - the character and appearance of the area.

Reasons

Living conditions

5. The appeal site is a large two storey detached property at the end of a residential cul-de-sac, located within the urban area. The property is occupied by five self-contained flats (the flats) and the surrounding area has a prevailing residential character.
6. Aside from occasional noise from the adjacent railway tracks serving the London Underground Northern Line, the site is located within a quiet residential area.
7. The proposed outbuilding would be located within the rear garden and would provide ancillary home working space for the occupiers of the flats. The building would be large enough to be used by four occupants of the flats at any one time and even though there is access to a w/c and a kitchenette within the proposed building, movements between the flats and the outbuilding could be relatively frequent.
8. The existing garden is a generous size and currently provides outdoor space for the occupants of the flats. As with many residential gardens, its use is likely to be much greater during the summer months when the weather is warmer and daylight hours are longer.
9. In contrast, the use of the outbuilding would be an attractive space during both the summer and winter, throughout the day and at night. Therefore, movements between the flats and outbuilding would be much greater compared to the use of the outdoor garden space.
10. While there is a garden gate which provides pedestrian access to the garden from the adjacent path, in reality the occupants of the flats would use the rear garden to access the proposed building. As a consequence, the current arrangements at the rear of the property would result in occupants walking alongside the shared side boundary with No 26 to access the proposed outbuilding.
11. In combination, these factors would exacerbate noise and disturbance in the rear garden during the day and at night, particularly within close proximity to the shared boundary.
12. A taller garden fence could be erected on the shared side boundary, which would restrict any additional overlooking and subsequent harmful loss of privacy. However, there is no substantive evidence before me that demonstrates that this would reduce noise and disturbance from the resulting level of comings and goings that would be generated by the additional use of the garden area as a result of the proposed outbuilding.
13. Consequently, for the above reasons and on the evidence before me, I conclude on this main issue that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 26 Montpelier Rise, with particular regard to noise and disturbance. It would thereby conflict with Policy D4 of the London Plan 2021, Policies DM01 and DM02 of the Barnet's Local Plan Development Management Policies (DMP) September 2012, and Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (CS) September 2012. These together and amongst other things, seek high quality design and the protection of amenity.
14. The proposal would also conflict with paragraph 135 of the Framework which seeks to ensure that planning policies and decisions achieve a high standard of amenity for existing and future users.

Character and appearance

15. Many of the neighbouring dwellings, including 26 and 28 Montpelier Rise, have sizeable rear gardens, with outbuildings.
16. Although it would have a generous footprint the width of the proposed outbuilding has been reduced since the previous appeal scheme and it would not overwhelm the rear garden area. A spacious gap between the proposed building and the main house would also be achieved. In addition, the proposal would have an appropriate height, with a flat roof design which, in combination with the reduced width would scale down the bulk of the building. As a result, the proposal would not be a disproportionate building within the context of the existing spacious garden.
17. The proposed timber cladding and use of glazing on the external elevations would contribute to its modern appearance, and the sedum roof would also soften its appearance. As a result, the proposed building would assimilate into the surrounding residential area. Furthermore, the proposed outbuilding would be sited away from each side boundary and its size and position would ensure that there would be minimal views of it from wider public vantage points, including the path that runs to the side of the property.
18. For the reasons outlined above, I conclude on this main issue that the proposed development would not be harmful to the character and appearance of the area. Therefore, the proposal would not conflict with Policy DM01 of the DMP and Policies CS1 and CS5 of the CS, which, together and amongst other things, seek to secure high quality design that preserves local character and distinctiveness.

Other Matters

19. The proposed outbuilding would provide an attractive environment for the occupants of the flats to work from home. However, the weight I can attribute to this benefit is tempered as I have limited information which demonstrates that the flats do not offer suitable home working space or communal space currently. Nonetheless, the outbuilding would provide working space away from the main living accommodation and also provide a social space for residents to interact with one another and improve their health and well-being. These would be private benefits to the occupants of the flats and within this context I only attach limited weight to the identified benefits.
20. Taking the above matters into consideration, the benefits would not outweigh the identified harm that I have found would be caused to the living conditions of the occupiers of 26 Montpelier Rise as a result of harmful noise and disturbance.

Conclusion

21. In conclusion, the proposed development would be contrary to the identified policies of the development plan read as a whole and there are no other material considerations which outweigh this conflict. Consequently, for the reasons given above, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR