



Appeal Decisions

Site visit made on 19 November 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2025

Appeal A Ref: APP/N5090/W/24/3346519

Land adjacent to 1 Crescent Road, London N11 3LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Yasir Shaikh against the decision of the London Borough of Barnet Council.
 - The application Ref is 23/4351/FUL.
 - The development proposed is described as the Demolition of existing outbuilding and construction of single storey family house with basement at land adjacent to 1 Crescent Road, London, N11 3LB.
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Appeal B Ref: APP/N5090/W/24/3350839

Land adjacent to 1 Crescent Road, London N11 3LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Yasir Shaikh against the decision of the London Borough of Barnet Council.
 - The application Ref is 24/1341/FUL.
 - The development proposed is described as the Demolition of existing outbuilding and construction of single storey family house with basement at land adjacent to 1 Crescent Road, London, N11 3LB.
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Decisions

Appeal A Ref: APP/N5090/W/24/3346519

1. The appeal is dismissed.

Appeal B Ref: APP/N5090/W/24/3350839

2. The appeal is dismissed.

Procedural Matters

3. As set out above there are two appeals on this site. They differ only in the detail of the design of the proposed dwelling. I have considered each proposal on its individual merits. However, given the similarities, and to avoid duplication I have dealt with the two schemes together.
4. I have taken the address from the decision notices of the Council and the appeal forms, rather than that which is detailed the application forms. This is because they more accurately describe and identify the location of the appeal site.

Main Issue

5. The main issue in both appeals is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site relates to an L-shaped parcel of land which is located to the side and rear of No.1 Crescent Road (No.1) and to the side of No.95 Glenthorne Road (No.95). Both side and rear parcels of the site are narrow and linear. The side parcel has access from Crescent Road, is predominantly laid to hardstanding and includes the remains of the former building which previously occupied the plot. The rear parcel is more vegetated. Land levels drop slightly both from the street to the rear, and also across the site from side to side.
7. The dwellings in the immediate area on Glenthorne Road are predominantly terraced, while those on Crescent Road are semi-detached. The gap in the street frontage created by the appeal site represents a change in the established character of the two streets. Notwithstanding the change in form, the pattern of development in the immediate area is generally one of residential properties located close to the street. Numerous properties on both streets have garden sheds and outbuildings, of varying scale, located within their rear gardens. There are a range of boundary treatments surrounding the site, while generally open views across the adjacent gardens are provided. The appeal site shares boundaries with a school and scout hut which are set to the rear. The buildings within these more spacious plots are large and have a functional appearance, indicative of their respective uses.
8. In Appeal A, the proposed dwelling would be sited towards the rear of the plot beyond the rear elevations of No.1 and No.95. The dwelling would have a broadly L-shaped footprint. It would occupy the full width of the plot and would be sited along much of the side boundary with No.1 and a large section of the boundary with No.95. The dwelling would also occupy the full depth of the rear parcel, and would occupy large lengths of the rear boundary of No.1, and that shared with the school. The dwelling would be single storey (plus basement), with flat green roofs, and includes three separate parcels of garden space.
9. In Appeal B, the dwelling would be similarly designed, sited back from Crescent Road, with a broadly L-shaped footprint with an additional "heel" proposed along the rear boundary. The dwelling would be set marginally further back from Crescent Road than that in appeal A, while the length of development along the rear boundary of No.1 is also slightly reduced. The siting, scale, form and appearance of the dwelling in both appeals are broadly similar.
10. The appeal site is constrained by its shape and width, both between No.1 and No.95, and also to the rear with the rear boundary of No.1 and the back boundary that is shared with the school. In both appeals the dwelling would be constructed up to, and would define, the various boundaries and would occupy much of their length. While set back from Crescent Road, the footprint of the dwelling would occupy a large proportion of the rear of the site. Together, the size of the dwelling and its construction on its boundaries would result in a development which appear cramped within its plot. While both No.1 and No.95 have built form on their side boundaries, these are subservient elements to those dwellings. They are also located towards the front of the site and visible within the street scene, and do not occupy significant lengths of their

respective boundaries. Therefore, I do not find that the presence of existing residential development on the site boundaries to result in an established cramped character.

11. The pattern of residential development in the area is one of dwellings sited towards the front of the plot addressing the street, I consider this to be the visual context of the site. In both appeals the dwelling would be sited to the rear of the plot with no street frontage. The site is visually associated with the residential properties fronting Crescent Road and Glenthorne Road, and has a functional relationship with these streets also. Within the rear gardens of a number of these dwellings are modest outbuildings and sheds which appear incidental or ancillary to the primary residential use. The appeal dwelling due to its rear siting, site coverage and scale would appear considerably at odds with the established pattern of dwellings in the area. Furthermore, the scale of the building would appear significantly larger than the modest scale of residential outbuildings which also contribute towards the established pattern of development in the area.
12. The school buildings and scout building to the rear of the site, are much larger buildings having a functional appearance, and are set within large and spacious plots. Any views of these buildings between the properties on Crescent Road and Glenthorne Road are read in their physical and functional context as distinctly separate entities to the residential street. In addition, the degree of spaciousness from their site boundaries associated with those developments is markedly at odds with the development in both appeals. Therefore, I do not find that the presence of these buildings to justify a cramped development which would be out of context with the established pattern of residential development.
13. It is understood that the development, in both appeals, would cumulatively exceed standards for garden spaces. However, this would be split into three separate parcels rather than a consolidated open area. Given the site coverage of the proposed dwelling and the construction on the site boundaries, I do not consider that the quantitative provision of garden space is demonstrative of a development which would not appear cramped or over-intensive within its plot.
14. I acknowledge that, in both appeals, views of the development from the street would be limited due its rearward siting and a full width enclosure at the site entrance. However, this alone is not indicative of a development which is not harmful in its context or contrary to the pattern of development in the area. In any event, there are various dwellings which would have views of the site from their rear windows and from their gardens.
15. From nearby dwellings the incompatibility of the development within its surroundings would be most apparent. There would be direct views of the external elevations of the dwelling as these would largely define the site boundaries. The external elevations would create a prominent built edge to the site, projecting above, and contrasting with, the more modest garden boundaries. This would erode the generally open nature of the rear gardens either side of the site. Furthermore, from first floor openings there would be views over the various flat roofs of the development. The dwelling would be seen as filling and dominating the plot with little visual relief provided from its site boundaries. From neighbouring properties the scale and site coverage of

the building would appear markedly at odds with other more modest ancillary or incidental residential garden structures in the area.

16. I accept that the appearance of the development is well designed, and note that the development would include green roofs, and elements of green walls. These would, to some extent, help to soften the overall visual effects of the development from surrounding properties. Nonetheless, I find that the harm is created by the cramped nature of the development, by virtue of its site coverage, proximity to site boundaries and lack of general conformity with the established pattern of development in the area.
17. I have had regard to other examples of back land development in the wider area which have been cited by the appellant. I do not have full details of the circumstances under which these developments were allowed. These appear to be some distance from the appeal site and are not within the same visual context. Nonetheless, the development at No.1 Buxted Road appears to be a more spacious plot of regular shape and is surrounded on all sides by residential development. While set back from the street slightly, the development at No.10 Macdonald Road has a clear visual relationship with the adjacent dwellings. The development at Hemington Gate relates to 4 detached dwellings on a clearly larger and spacious plot. Therefore, I do not find any of these examples to be directly comparable to those within the appeals.
18. A further example has been cited of a recent approval at No.99 Friern Park¹. Again, I do not have full details of that proposal, although I have been provided with a copy of the Councils officer report and the site plan². Like the other examples cited this is located some distance from the appeal site. On my site visit I visited Friern Park and noted that it appeared to be more varied in character with various residential developments set back from the street. As such, the pattern of development is different to that surrounding the appeal site. Indeed, the Councils report confirmed that, having regard to adjacent flats and a similar development at No.109 Friern Park, they did not consider that development on that site "*would be incongruous with the local character and established pattern of development*". Therefore, I consider that there are material differences between the developments. In any event, I have considered the appeals on their individual merits.
19. There is dispute between the parties regarding the status of the land and whether it constitutes previously developed land. From the evidence before me, and from my observations on site, it would appear that the site is a separate parcel of land and does not fall within the planning unit of either dwelling adjacent. This would indicate that the land is not, or was not last, in residential use. However, I have insufficient information to definitively conclude on what the actual lawful use of the site is. The use of previously developed land would clearly be a benefit of the development, as would the delivery of a new family home on such a site. Indeed, there is policy support in the development plan in respect of these matters. Nonetheless, regardless of the status of the land, there remains a requirement for such developments to be well-designed, and in accordance with other policies of the development plan, which I do not find to be the case in either appeal.

¹ 21/3970/FUL

² Appendix 2 and 3 attached to both Appeal Statements

20. The development in both appeals would remove the existing collapsed garage which does not contribute positively to the character of the area. Nonetheless, that garage was relatively modest. The appeals would see the remains of the garage replaced by a more substantial structure comparative to the size of the plot and, for the reasons outlined, I consider that this would be visually more harmful than the existing site condition.
21. For the above reasons, the development in both Appeal A and Appeal B, would have an unacceptable harmful effect on the character and appearance of the area. Therefore, the development in both appeals conflicts with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012); Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012); and, D3 of The London Plan (2021). Together, amongst other things, these seek to deliver sustainable development that is of a high-quality design which respects the local context.
22. The development would also fail to adhere to the guidance contained within the Local Plan Supplementary Planning Document: The Residential Design Guide (2016) which highlights that the design and layout of new development should be informed by the local pattern of development.

Other matters

23. The use of previously developed land and the delivery of a dwelling are benefits of the development of the appeals. In addition, both appeals would deliver benefits through biodiversity enhancements and incorporating sustainability measures into the design of the development. The absence of any identified harm to amenity, highway safety or other considerations, are neutral matters in my consideration of the appeals. I also note the letters of support for the development, including those from immediate neighbours, relating to improvements to the appearance of the site through removal of the derelict garage, general environmental improvements, improvements to living conditions and improving security.
24. While I acknowledge that there are benefits associated with both schemes, these would be limited to those arising from a single dwelling. These would not be so compelling as to outweigh the permanent harm that the development would have on the character and appearance of the area. The development in both appeals is therefore contrary to the development plan when considered as a whole.

Conclusions

25. For the above reasons both Appeal A and Appeal B are dismissed.

D Cleary

INSPECTOR