



Appeal Decision

Site visit made on 7 February 2025

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th February 2025

Appeal Ref: APP/N5090/W/24/3351703

102 Hillside Gardens, Edgware, Barnet HA8 8HD

- 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 Sachin Israni-Bhatia against the decision of the Council of the London Borough of Barnet.
 - The application reference is 24/0167/FUL.
 - The development proposed will involve the subdivision of the site into three plots. The first plot will contain the current house and detached garage. Whilst two further plots are to be created in the rear garden and are to allow for a set of new semi-detached properties. The new properties will face Sterling Avenue with access for both cars and pedestrians. The properties have been designed over two floors. Both properties will be designed with separate gardens, with side access and parking for one car.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council has confirmed that the second reason for refusal, which refers to vehicle parking and traffic, was cited in error. On that basis, I have not assessed this matter further.
3. On 12 December 2024, a revised National Planning Policy Framework (the Framework 2024) was published. An amendment to the Framework 2024 was issued on 7 February 2025. The Framework 2024, as amended, does not raise any new matters that are determinative to the outcome of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

5. The proposal is to introduce a matching pair of semi-detached houses within the rear and side garden of the appeal property, which is a 2-storey dwelling that occupies a large corner plot on Hillside Gardens within a predominantly residential area. The new additions would face and take access from Sterling Avenue that runs just beyond the rear of the site.
6. The new development follows a similar scheme that was recently refused planning permission at appeal. By revising the design and scale of the new dwellings and

altering their plots, the appellant considers that the proposal overcomes the objections raised in relation to the previous appeal scheme.

7. From Stirling Avenue on the immediate approach to the site from the northeast, the new dwellings would be seen at an oblique angle with No 102 in an elevated position just beyond. That the new additions would appear close to the road and be taller and stand forward of the existing single storey garages on the adjacent land would also visually accentuate their presence within the streetscape. In combination, this arrangement would confine the space around 3 sides of the new pair to the extent that the development would be perceived as occupying a restricted site. This layout would markedly contrast with the generally more spacious pattern of existing development along Stirling Avenue, in which good sized gaps separate existing buildings and these are evident from the road.
8. From Hillside Gardens, the upper rear of the pair would be seen through the gap between No 102 and the adjacent bungalow to one side of the site. By largely infilling this gap, the proposal would reduce the visual break between the existing dwellings that otherwise enables the depth and space between properties to be viewed from the highway. When seen from in front of the site, the rear of the new dwellings would also be perceived as being unusually close to the side of No 102. This arrangement would draw the eye as unusually cramped in terms of layout even considering the size of their new plots and gardens, which would compare favourably with other nearby properties on Hillside Gardens.
9. In reaching this conclusion, I acknowledge that the blocks of flats on Penniwell Close, which are taller and more substantial in-built form than the proposal, provide part of the backdrop to the site when seen from Hillside Gardens. The submitted layout also reflects the arrangement of existing buildings along the same side of Stirling Avenue, which are set back from the road and follow the gentle curve of the main carriageway. Views of the new development would be partly screened by the foliage of roadside trees and boundary planting. However, soft landscaping cannot be relied on to shield the proposal as it could be cut back or removed at any time.
10. On the main issue, I conclude that the proposal would not respond positively nor integrate well with the pattern of existing development. It would therefore cause significant harm to the character and appearance of the local area. Therefore, the proposal does not overcome the objections in the previous appeal.
11. Accordingly, the proposal conflicts with Policy D3 of The London Plan, Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) and Policy DM01 of Barnet's Local Plan (Development Management Policies). These policies aim to ensure that new development represents high quality design, preserves or enhances local character and respects the local context. These principles underpin the advice within the Council's Supplementary Planning Document, *Residential Design Guidance* with which the proposal would also conflict. The appeal scheme is also at odds with the Framework 2024 which states that development should be sympathetic to local character and add to the overall quality of the area.

Other matters

12. Once complete, the new dwellings would add to the stock and choice of new housing, which planning policy supports. No objection is raised to the design of the new dwellings or to the materials to be used. I have no reason to doubt that the new additions would be built to a high environmental standard. Economic benefits

would also arise from the sale of construction materials. However, these considerations do not outweigh the significant harm that I have identified.

13. Interested parties raise several additional concerns including potential noise and general disturbance; privacy; light; visual impact; use of communal space; highway safety; ground stability; and drainage. These are important considerations, and I have taken into account all the evidence before me. However, given my findings on the main issue, these are not matters on which my decision has turned.
14. I note that the Officers report was made available to the appellant sometime after the decision to refuse planning permission had been taken. The resultant delay reduced the time available for the appellant to review the Council's objections ahead of the appeal process. Nevertheless, I have assessed the proposal on its planning merits and find it to be objectionable for the reasons given.

Conclusion

15. Overall, the proposed development would conflict with the development plan. There are no material considerations, including those of the Framework 2024, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR