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## Appeal Decision

Site visit made on 6 September 2016

**by Andrew McCormack BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 November 2016**

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**Appeal Ref: APP/N5090/W/16/3151644**

**85 The Ridgeway, Golders Green, London NW11 9RX**

- 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 Jubilee Investments (The Ridgeway) Ltd against the decision of the Council of the London Borough of Barnet.
  - The application Ref 15/07835/FUL, dated 21 December 2015, was refused by notice dated 29 February 2016.
  - The development proposed is demolition of the existing semi-detached properties and detached garage to be replaced by two-storey building with rooms in roof space to provide 5no. self-contained flats, and 1no. single family dwelling including associated off-street refuse storage, 6no. off-street parking spaces and associated landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing semi-detached properties and detached garage to be replaced by two-storey building with rooms in roof space to provide 5no. self-contained flats, and 1no. single family dwelling including associated off-street refuse storage, 6no. off-street parking spaces and associated landscaping at 85 The Ridgeway, Golders Green, London NW11 9RX in accordance with the terms of application Ref: 15/07835/FUL, dated 21 December 2015, and subject to the conditions set out in the schedule attached to this decision letter.

### Procedural Matters

2. Development was underway at the time of my site visit due to the part implementation of planning approval Ref: 15/05841/FUL for one detached dwelling and two semi-detached dwellings on the site. The development was constructed up to first floor level and reflects the proposal before me in terms of the footprint of development. As a result, I was able to assess, in part, the effect of the proposed development on the locality based on my observations in terms of size, scale, character and appearance and I have assessed this appeal on that basis.
  3. The applicant and appellant details were not clear in this case. Furthermore, there has been uncertainty on the matter due to different appeal documents identifying different parties as the appellant. Clarification was sought from both the Council and the agent and it has been confirmed that the applicant and appellant is Jubilee Investments (The Ridgeway) Ltd. Accordingly, my decision reflects this.
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4. The original description of development on the application form included a basement level. However, I note in Paragraphs 3.2 and 6.4 of the appellant's Statement of Case that the basement excavation works previously approved have been omitted from this scheme. Furthermore, the approved plans for the proposal before me do not show a basement level of accommodation. As a result, the description of the proposed development in my decision reflects this.

### **Main Issues**

5. The main issues are the effect of the proposed development on:
  - the character and appearance of the surrounding area, with regard to the housing mix and associated refuse and recycling storage; and
  - parking and highway safety.

### **Reasons**

#### *Character and appearance*

6. The appeal site is situated within a predominantly residential area which is mostly characterised by detached and semi-detached properties. These are of a similar age and architectural style which affords the area an identifiable and established character and appearance.
7. Whilst the area appears to mostly comprise single family dwellings, the appellant refers to a number of nearby properties where flatted development exists either by design or by conversion of existing dwellings. The appellant states that all properties referred to have been corroborated with current Council Tax records. However, the Council says that their records indicate that only one property has gained consent for use as self-contained units since the adoption of the relevant Policy DM01. I do not have the relevant records or evidence before me to clarify the position. Notwithstanding this, I am satisfied that the examples referred to by the appellant provide a reasonable assessment of the overall housing mix and character of the local area and note that the Council has not challenged the appellant's evidence.
8. In relation to the converted properties referred to, their external appearance does not materially differ from single family dwellings other than an increased hard standing area within the front garden in some cases for car parking. However, I note that several properties in the area which are indicated as being single family dwellings also have similar parking areas in the front garden in order to accommodate multiple vehicles.
9. I have considered concerns relating to the 'residential paraphernalia' which would be associated with the development in terms of the storage and screening of refuse and recycling containers and the impact these would have on the character and appearance of the area. From the submitted plans, the proposal provides adequate provision for the suitable storage and screening of such items. Therefore, I find that these would have no materially harmful effect on the streetscene. Moreover, the proposed arrangements in this scheme reflect those of the previously approved scheme (Ref: 15/05841/FUL).
10. Concern has been raised regarding the impact of the proposal in terms of the potential enlargement of an existing crossover of the public footpath and an additional crossover on nearby street trees, particularly the large Robinia tree.

I note that it is argued that the proposed development does not require the removal of any street trees. Notwithstanding this, the proposed development should be designed in such a way as to mitigate any significant impacts to these trees. Accordingly, I consider that such matters need to be suitably addressed by appropriately worded planning conditions.

11. The National Planning Policy Framework (the Framework) indicates that the character of an area consists of more than its physical appearance and includes how the area functions and contributes to local identity. There are several flatted developments in the locality which have no significant effect on the appearance of the area. These developments have not resulted in any notable external alteration to the properties and, in these cases, are hardly distinguishable from other single family dwellings. Furthermore, there is no substantive evidence before me to indicate that such developments have had any detrimental effect on the functionality or character of the area.
12. The proposed development would appear as two purpose built semi-detached dwellings and a detached dwelling and would be of a similar size and scale to the surrounding properties. It would therefore be in keeping with the predominant character and appearance of the residential area and have no materially harmful effect. Furthermore, whilst the proposal would result in the demolition of two family dwellings, it would create two 3 bedroom dwellings and one 5 bedroom dwelling, equating to an overall increase in the number of family dwellings in the area. As a result, it would contribute towards local housing needs as identified in the London Plan (adopted 2011 and 2013) (the London Plan) and the adopted Barnet Core Strategy 2012 (the Core Strategy).
13. Consequently, I conclude that the proposed development would respect the established character of the area and therefore would accord with Policies 3.5, 7.4 and 7.6 of the London Plan (adopted 2011 and 2013), Policies CS NPPF, CS1 and CS5 of the Core Strategy, Policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) (the DMP) and the Adopted Residential Design Guidance SPD (2013). Amongst other matters, these policies seek to ensure that development is based on an understanding of local characteristics and respects and enhances the character and appearance of the local area.

#### *Parking and highway safety*

14. Policy DM17 of the DMP sets out the maximum parking standards which apply to residential development. Furthermore, the Policy states that residential development may be acceptable with limited or no parking within a Controlled Parking Zone (CPZ), where it can be demonstrated that there is insufficient capacity with regard to on-street parking. It goes on to state that where this is the case, a legal agreement would be required to restrict future occupiers from obtaining on-street parking permits.
15. The proposal would increase the number of residential units on the site. As a result, this would potentially increase demand for on-street parking and have an adverse effect on the movement of traffic and highway safety. On-street parking is restricted in the locality with a resident permit scheme in operation. However, according to the parking sign plates in the street, these restrictions only appear to operate between 1100 and midday Monday to Friday. Whilst relatively limited in its restriction, such provision is commonplace in London boroughs and seeks to deter daily parking for commuters into central London.

Notwithstanding this, at the time of my site visit, in the mid-afternoon, I saw plenty of unrestricted on-street parking available in the area, albeit this can only ever be considered a snapshot of the prevailing circumstances.

16. A total of 6 parking spaces would serve the proposed development. Whilst the appellant argues that these arrangements were considered acceptable under a previously approved scheme, this appeal scheme would result in a larger number of self-contained dwellings. Therefore, it would be reasonable to consider that the proposal would be likely to generate more vehicle movements and increase demand for parking.
17. The Council has stated that four parking spaces for the five proposed flats would be unacceptable and that, in accordance with Policy DM17, a legal agreement would be required to restrict new occupiers from acquiring resident parking permits to mitigate any resultant overspill parking on-street. The appellant has provided a draft unilateral undertaking in evidence which, it is stated, would ensure that the development is parking permit free and would therefore not place any additional pressure on existing on-street parking in the area. However, this is not a signed legal agreement and therefore has little weight in my decision making.
18. Despite this, in my assessment, the proposed dwellings as described in Table 4 of the appellant's appeal statement, would provide sufficient off-street parking to meet the lower threshold of the maximum parking standards for residential development set out in Policy DM17. As a result, I am satisfied that the proposal would comply with the parking requirements of that Policy.
19. Turning to highway safety, it is reasonable to consider that the proposal would result in a small increase in vehicle movements in the area, particularly in relation to the use of crossovers when entering and exiting the appeal site. Furthermore, it is reasonable to consider that the loss of on-street parking due to the need for an additional crossover would result in a slight increase in demand for parking in the area and an increase in associated vehicle movements. Based on the evidence before me, I find that there would be sufficient on-street parking capacity in the area to accommodate a small increase in demand resulting from the proposed scheme. Furthermore, given the existing abundance of crossovers in the area serving properties on The Ridgeway and adjoining streets and associated vehicle movements, I find that the proposed development would have no material effect on highway safety.
20. Consequently, I conclude that the potential increase in demand for on-street parking would be accommodated by the existing capacity in the area and would not be harmful to highway safety. Furthermore, I conclude that parking in the CPZ would not be so saturated as to result in any material additional pressures on on-street parking which would necessitate a restriction on parking permits for future occupiers. Therefore, the proposal would comply with Policy DM17 of the DMP. Amongst other matters, this policy seeks to ensure that residential development provides sufficient parking to meet its needs and does not have a significant detrimental effect on the safety of all road users.

### **Other Matters**

21. Concerns have been raised by other interested parties relating to matters not specifically addressed in the main issues, such as loss of light, overlooking of

neighbouring properties, landscaping, including the loss of a street tree, and the impact of a proposed basement on the foundations of nearby properties.

22. I note that this appeal scheme is similar to the approved scheme Ref: 15/05841/FUL in that the proposed buildings would be within the same footprint as those approved. The Council found that matters relating to loss of light, overlooking, and landscaping were not of any substantive concern as to warrant a reason for refusal of that scheme or could be overcome by planning conditions. From what I have seen and read, I have no reason to disagree with that assessment in relation to this scheme.
23. With regard to concerns relating to the impact of the proposed basement, the appeal scheme before me does not include a basement level. As a result, such concerns are no longer relevant in terms of this appeal proposal.

### **Conditions**

24. I have had regard to the conditions that have been suggested by both of the main parties. Where necessary, and in the interests of conciseness and enforceability, I have altered or combined the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance (PPG).
25. As construction was underway on the site in relation to the similar approved scheme, the standard implementation condition is not necessary. I have included a condition specifying the approved plans (1) as this provides certainty. Conditions regarding the screening and enclosure of recycling and refuse storage containers (2) and landscaping and tree protection (3, 4, 5 and 6) are necessary and reasonable in the interests of character and appearance and the living conditions of future and neighbouring occupiers. Furthermore, a condition regarding highway works in relation to the existing and proposed crossovers (7) is necessary and reasonable in the interests of highway safety. It is also necessary and reasonable for a condition relating to obscure glazed windows (8) in the side facing elevations of the proposed flats in the interests of privacy for future occupiers.
26. The Written Ministerial Statement (WMS) of 25 March 2015 allows local planning authorities to apply Building Regulations Optional Requirements with regard to water efficiency, energy performance and accessibility and adaptability of dwellings, where relevant local planning policies are in place. I am satisfied that such policies are in place in this case. Therefore, I have imposed conditions relating to water consumption (9) and carbon dioxide emissions (10) in the interests of the sustainable development and with regard to the accessibility and adaptability of the proposed units (11), in the interest of the living conditions of future occupiers. Given the residential nature of the area, I have imposed a condition regarding the hours of demolition and construction (12) in the interests of the living conditions of nearby occupiers.
27. I have not imposed the suggested sound insulation condition as this is most appropriately dealt with through compliance with Building Regulations. Furthermore, the Framework advises that conditions should restrict national permitted development rights only where there is a clear justification to do so. I am not satisfied that the Council's suggested condition removing many householder rights is necessary in this case as no detailed explanation for it is given. Accordingly, I have not imposed such a condition.

**Conclusion**

28. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*Andrew McCormack*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Location Plan; Drawing No: S.01C; Drawing No: SE.01; Drawing No. SE.02; Drawing No: SE.03; Drawing No: SE.04; Drawing No: SE.05; Drawing No: GA.01C; Drawing No: GA.02C; Drawing No: GA.03C; Drawing No: GA.04B; Drawing No: GA.05B; Drawing No: GA.06B; Drawing No: GA.07B; Drawing No: GA.08C and Drawing No: SP.02B.
- 2) No development shall be occupied until details of enclosures and screening for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall have been submitted to, and approved in writing by, the local planning authority and shall be provided at the site in accordance with the approved details prior to the development being occupied.
- 3) No development shall be occupied until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include the size, species, planting, heights, densities and positions of any soft landscaping.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping required by Condition 3 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 5) A detailed scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall be submitted to, and approved in writing by, the local planning authority. No proposed dwelling shall be occupied until the scheme for the protection of the retained trees has been carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 6) The details submitted in accordance with Condition 5 above shall include:
  - i) a plan showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
  - ii) a schedule in relation to every tree identified listing:
    - information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and,
    - any proposed pruning, felling or other work;

- iii) in relation to every existing tree identified to be retained on the plan referred to in i) above, details of:
    - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and,
    - all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced);
  - iv) areas of existing landscaping to be protected from construction operations and the method of protection.
- 7) Details of the standards to which the highway works relating to the crossovers of the public footpath serving the development are to be constructed shall be submitted to, and approved in writing by, the local planning authority. No proposed dwelling shall be occupied until the crossovers have been constructed in accordance with the approved details.
- 8) The development hereby permitted shall not be occupied until the proposed windows, excluding the rooflights, in the side elevations facing 83 and 89 The Ridgeway, in accordance with the approved Drawing No GA.06B, have been fitted with obscured glazing and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to, and approved in writing by, the local planning authority before the windows are installed and once installed the obscured glazing shall be retained as such thereafter.
- 9) The development hereby permitted shall not be occupied until they have all water supplied to them by mains water infrastructure through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G2 of the Building Regulations (the Building Regulations Optional Requirement) to ensure that a maximum of 105 litres of water is consumed per person per day and a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such thereafter.
- 10) The development hereby permitted shall not be occupied until carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions (the Building Regulations Optional Requirement) when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such thereafter.
- 11) Notwithstanding the details shown in the approved plans, the development hereby permitted shall not be occupied until all the relevant criteria of Part M4(2) of Schedule 1 of the Building Regulations 2010 (the Building Regulations Optional Requirement) (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) have been complied with. The development shall be maintained as such thereafter.
- 12) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Public or Bank Holidays.

**END OF SCHEDULE**