
Appeal Decision

Site Visit made on 3 January 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 02 May 2019

Appeal Ref: APP/N5090/W/18/3213362
27 & 29 Neeld Crescent, Hendon, London NW4 3RP

- 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 Neeld Crescent Limited against the decision of the London Borough of Barnet.
 - The application, ref. 18/1327/FUL, dated 28 February 2018, was refused by notice dated 5 July 2018.
 - The proposal is for the Demolition of No.29 Neeld Crescent and alterations to side elevation fenestration to No.27 Neeld Crescent; the erection of a two-storey building including excavation and creation of a lower ground floor level and mansard roof with rooms in the roof space to provide 7no self-contained flats; the provision of 7 parking spaces, amenity space, cycle storage and refuse and recycling storage and associated alterations to hard and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the Demolition of No 29 Neeld Crescent and alterations to side elevation fenestration to No 27 Neeld Crescent; the erection of a two-storey building including excavation and creation of a lower ground floor level and mansard roof with rooms in the roof space to provide 7no self-contained flats; the provision of 7 parking spaces, amenity space, cycle storage and refuse and recycling storage and associated alterations to hard and soft landscaping at 27 & 29 Neeld Crescent, Hendon, London NW4 3RP in accordance with the terms of the application, Ref 18/1327/FUL, dated 28 February 2018 subject to the conditions attached as an appendix to this decision.

Application for costs

2. An application for costs was made by Neeld Crescent Limited against the London Borough of Barnet. This application is the subject of a separate Decision.

Procedural Matters

3. Since submission of the appeal the National Planning Policy Framework 2012 (The Framework) has been superseded by the 2019 version. I consider the appeal on this basis and refer only to the updated Framework within my decision.

4. I have used the site address that is contained on the Council's Decision notice rather than the Planning Application form as this more accurately describes extent of the appeal site.

Main issue

5. The main issue is the effect of the development upon highway safety.

Reasons

6. The appeal property is located on a residential street within the outer suburbs of London and has a Public Transport Assessment Level (PTAL) of 4 which is considered to be 'good' accessibility.
7. Neeld Crescent, like many urban residential streets suffers from on-street parking congestion on both sides of the road which impedes simultaneous two-way flow. The result being that vehicles often have to stop momentarily to give way to traffic coming in the opposite direction. However, based on the appellant's surveys it appears that traffic volumes are fairly low and driven speeds are well under the 30mph speed limit. I have not been made aware of a poor accident record and therefore I deduce that that despite its deficiencies, Neeld Crescent operates satisfactorily without any significant safety issues.
8. In order for the proposed development to comply with parking requirements, a total of 7 spaces are proposed which satisfies the Council's requirement of between 4-9 spaces and is accepted by the Highway Authority. Whilst I note comments from third parties that there is a belief that each apartment would generate the need for 2-3 vehicles, no evidence has been submitted to support this claim. I disagree that this would be the case, and given the high PTAL score, the provision of 7 spaces is adequate to cater for this development.
9. A Transport Statement¹ has been submitted to support the application which states that the stacking system is highly unlikely to cause issues to highway safety and the free flow of traffic. It also states that in those infrequent cases where two vehicles arrive at the same time one car would use a dedicated waiting space whilst the other would need to use on-street parking or the space on the road in front of the driveway whilst the other user is loading their vehicle. Third party respondents believe that one waiting bay is not enough, however the transport statement is robust in its analysis that one waiting bay is appropriate.
10. I acknowledge the Council's comments that during peak times if the waiting bay is full that vehicles may need to wait in the designated waiting space (which is not a dedicated parking bay), or on-road. However, I am not persuaded that the latter would be a frequent event. Even if this was the case, any on-street parking would be ephemeral in nature and would not lead to unacceptable impacts to highway safety.
11. I also note comments from the Council with regards to uncertainty with the operation of the stacker system when the vehicle exits the system and

¹ Caneparo Associates, 29 Neeld Crescent Transport Assessment, February 2018

whether there is a need to get out of the car and send the lift back down. There are also comments about whether the Appellant has factored increased waiting times as a result of loading children, luggage, groceries and safety checks. Whilst typically these units are automatic, and timings may be slightly more than the 60-90 seconds as quoted by the Appellant as a result of these additional influences, I disagree that it would be to the extent of 5 minutes (as suggested by third party respondents) and this additional time would be unlikely to severely cause delays which would mean a large number of vehicles are displaced to on-street parking.

12. Parking stackers are an increasingly common and easy to use system particularly in London and therefore, despite concerns to the contrary, I can see no reason why future residents would opt to park on-street in avoidance of the stacker system.
13. Visibility from the Appeal site to the pedestrians utilising the footpath is adequate and quite typical for this context, and I therefore consider the scheme satisfactory in this respect.
14. I also note concerns with regards to the unit breaking down and the maintenance of the unit. The Appellant has provided the car stacker's reliability figures and the quick response and call out time in the case of a fault which is based upon past installations, which at best, would be a rare occurrence.
15. Given the above mentioned factors, I conclude that the car stacking system would not be detrimental to highway safety and the free flow of traffic and pedestrians and would be in compliance with Policy CS9 of the *Barnet Core Strategy 2012* (which amongst a number of key principles, seeks developments which provide safe, effective and efficient travel) and Policy DM17 of the *Barnet Development Management Policies 2012* (which amongst a number of criterion, seeks developments to adhere to parking standards).

Other Matters

16. The Appellant claims the Council has been inconsistent in its decision making with reference to a planning approval for 5 self-contained flats at no.48 Neeld Crescent². However, on the information before me I note that the details of the scheme are different to the appeal case in terms of scale and off street parking provision. I am not convinced that this is an analogous scheme and therefore only give this example limited weight in this decision.
17. I note concerns with regards to the new apartment building blocking views and causing overlooking into neighbouring gardens from windows and balconies. The main impacts to living conditions are to No31 and No27 which are on opposite sides to the appeal property and 25 Rundell Crescent which is to the rear. Given that the windows to the sides of either dwellinghouse serve a landing and bathroom, the majority of windows proposed on the side elevations of the scheme would be unlikely to cause any detrimental overlooking issues. However, one of the windows to the northern elevation would have direct views to the rear garden and partial views to the

² Barnet Council Planning Ref:17/5441/FUL
<https://www.gov.uk/planning-inspectorate>

neighbouring windows but is requested via condition to be obscurely glazed to overcome these concerns. With regards to balconies, adequate privacy to the neighbouring occupiers can be given via details of privacy screens to the balconies by way of condition which will address overlooking concerns. Whilst the proposed building has a larger footprint than the existing building, I do not consider that adverse impacts would be caused to living conditions as a result of the building impeding or resulting in a loss of views.

18. I also note concerns from third party respondents with regards to noise generated during the construction. This can be adequately controlled via a construction management plan which specifies requirements in terms of hours of operation, and mitigation measures for noise and air pollution which may arise as a result of the demolition and construction of the scheme.
19. There are also comments with regards to the proposed scheme fitting into the character and appearance of the area, with mention of the mansard roof being out of character. The area is quite varied in building style with a mix of dwellings and flatted schemes which range from two and three storeys with different roof forms, which whilst the majority are hipped and gabled, there are examples of mansard roofs present. The proposed building is of a similar height to the existing dwelling which is to be demolished and its size and proportions are generally in adherence to the varied character of the area. I am satisfied that the design of the proposed scheme adequately adheres to the local character of the area and that conditions seeking the approval of materials and landscaping treatment will assist the proposed scheme in adopting the qualities of local character and local distinctiveness.
20. I also note comments with regards to flats causing a loss in property value for the remaining dwellinghouses, and that there is a need for parking restrictions, pavement corrections and road resurfacing along Neeld Crescent. These are not planning considerations and I have therefore given limited weight to these matters in this decision.
21. Whilst I appreciate that there are concerns with regards to the loss of family housing and the creation of further flats, the predominant character of this particular street is one that is varied and mixed with the proposed scheme not causing adverse detriment to the housing mix or character of this locality.

Conclusion and Conditions

22. For these reasons and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions set out below.
23. I refer to the conditions specified by the Council in their Statement of Case if the appeal was to be allowed and have considered them in accordance with the Planning Practice Guidance (PPG). It is noted that each of the proposed pre-commencement and prior to occupation conditions were agreed with the Agent for the Appellant in reply to a Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 which was issued by the Planning Inspectorate on 28 December 2018 and responded by the Agent for the Appellant by email dated the 31 December

2018. I consider these pre-commencement and pre-occupation conditions necessary, except where specified below.

24. In addition to the standard condition on timescales, I have imposed a condition specifying the relevant drawings as this provides certainty. However, I have made corrections where references were incorrect, and removed duplication of the Proposed West (front) elevation with both Revisions B and C were listed as approved, where it should only be Revision C.
25. Conditions requiring a construction management plan and timings for demolition and new build are necessary to manage the effect of construction on the living conditions of the occupants of neighbouring properties. In order to protect living conditions of neighbouring occupiers, conditions requiring obscure glazing and privacy screening are required. There is a need for conditions with regards to the approval of materials, cycle storage, waste storage in order to ensure the development blends appropriately into the character and appearance of the area and provides necessary infrastructure and circulation routes for proposed occupants.
26. Conditions requiring the installation of carbon reduction measures, water meters and water saving measures are necessary in the interests of energy and water efficiency. Noise conditions are necessary in the interests of the living conditions of future and neighbouring occupants during and after works have taken place. The condition with regards to the provision of the car stacker system with 7 spaces before occupation is necessary to avoid impacts to the free flow of traffic and highway safety concerns of Neeld Crescent. I note that the condition does not state the provision of a demarcated waiting bay which also is necessary to include within this condition. The condition limiting the use to Class C3a (residential) is necessary given that different uses within the same use class may cause a need to further assess the parking implications of the development.
27. The suggested condition 18 which seeks a pre-commencement condition with regards to a noise report, is adequately covered by suggested condition 17 which seeks that noise is below a certain level, negating the need for suggested condition 18. I disagree that suggested condition 11 which requests a landscaping plan showing hard and soft surfacing is required given that this is adequately shown on the approved site plan. The suggested condition 6 which requires a maintenance agreement for the operation of the car lifts is not related to planning and therefore would not meet the tests of the Planning Practice Guidance. As such this condition is deleted. The suggested condition No12 which details the requirement for the approval of highway designs for the access is covered by highways legislation and is therefore unnecessary.
28. The suggested condition No 20 on the retention of the layout of the residential units repeats the provisions of condition No 1 and therefore is unnecessary. Similarly, the suggested condition No22 which limits the hours of operation during construction would repeat the provisions of the Construction Management Plan which will specify this which is suggested condition No5 and therefore is unnecessary. The suggested conditions 15

and 21 requiring compliance with Building Regulations is also unnecessary and not related to planning. These are all deleted.

29. Given the above comments, I have reordered and re-numbered the conditions as shown in the appendix to this decision.

J Somers

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3029(PLA)211 Rev C, 3029(PLA)112, 3029(PLA)214, Rev A, 3029(PLA)213, Rev A, 3029(PLA)113, 3029(PLA)300, 3029(PLA)002, Rev A, 3029(PLA)212, Rev A, 3029(PLA)111, Rev A and 3029(PLA)110, Rev A.
3. No development above slab level shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the materials as approved under this condition.
4. Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.
5. No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
 - i. hours of operation, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - v. noise mitigation measures for all plant and processors;
 - vi. details of contractor's compound and car parking arrangements;
 - vii. details of a community liaison contact for the duration of all works associated with the development.
6. Before the development hereby permitted is first occupied, details of enclosures and screened facilities 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 be submitted to and approved in writing by the Local Planning Authority.

7. Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.
8. Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions 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 in perpetuity thereafter.
9. Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided 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 G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
10. Before the building hereby permitted is first occupied the proposed window(s) in the first floor side elevation facing 31 Neeld Crescent shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
11. Before the development hereby permitted is occupied the waiting bay shall be demarcated and 7 car parking spaces as indicated on the approved plans including the access to the parking spaces shall be provided and shall not be used for any purpose other than parking and/or operation of vehicles in connection with the approved development.
12. The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
13. The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).