



Appeal Decision

Site visit made on 25 January 2019

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

an Inspector appointed by the Secretary of State

Decision date: 08 March 2019

Appeal Ref: APP/N5090/W/18/3213664

45 Grove Road, North Finchley, London N12 9EB

- 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 Ms Greensite against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/3393/FUL, dated 1 June 2018, was refused by notice dated 13 August 2018.
 - The development proposed is the erection of a replacement family 6-bedroom dwelling for an existing 4-bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement family 6-bedroom dwelling for an existing 4-bedroom dwelling at 45 Grove Road, North Finchley, London N12 9EB in accordance with the terms of the application Ref 18/3393/FUL, dated 1 June 2018, subject to the conditions set out in the schedule to this decision.

Procedural matter

2. Several additional plans have been submitted at the appeal stage with different drawing numbers to their respective counterparts that were before the Council when it refused planning permission. From my inspection of these additional plans and the accompanying drawing schedule, it is unclear whether any changes have been made to the development compared to the scheme that was before the Council when it decided to withhold planning permission. For the avoidance of doubt, I have assessed the proposed development as it is shown on the drawings that are listed on the Council's decision notice.

Main issue

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

Reasons

4. The proposal is to replace an existing detached bungalow and outbuildings that occupy land behind properties that face Grove Road with a new detached dwelling. The new addition would be noticeably larger in built form and footprint than its existing single storey counterpart with living space at both ground and basement levels. Unlike the dwelling to be replaced, the proposal would be modern in design consisting of 2 parts joined at one end and arranged around a central open courtyard. The shallow pitched roof of each new part would include green sedum on the outer-facing slope.

5. Although close to the rear gardens of some properties that back onto the site, the appeal scheme would still retain reasonable separation to the boundaries of the site and the neighbouring buildings beyond, which would also allow for soft landscaping. The simple form and staggered profile of the new built form and the variation in rooflines would all serve to visually 'break down' its scale and mass when viewed from nearby properties. With adequate space around the new building on all sides, it would stand confidently within its plot with the overall density of development comparing favourably with those advised in the development plan policy guidelines.
6. For all of these reasons, I am unable to share the concern of the Council and others that the proposal would constitute overdevelopment of the site. Rather than appearing cramped and obtrusive, the proposal would nestle comfortably into the site and respect the generally spacious rear gardens immediately around the appeal property.
7. The new dwelling would differ in scale, height and roof form compared with the more substantial 2-storey terraces that predominate in the local area. However because of its coherent design, low profile and sympathetic layout, the new dwelling would respect rather than compete for attention with these larger, more traditional and visually dominant dwellings. Its backland position would also contrast with most properties in the local area that tend to directly face the road. However, the location of the existing bungalow is already a departure from the prevailing pattern of existing development around the site.
8. The contemporary design and extensive use of glazing, timber and zinc would also set the new dwelling apart from other nearby properties. Even so, developments of contemporary or contrasting design can often enhance visual interest and add diversity to an area. That would be the case here. As the proposal would be set back from the highway and behind existing properties there would be no discernable effect on the character and appearance of the local street scene. For all of these reasons, the proposed development would be compatible with its context. The appeal scheme is an appropriate and positive response to the particular characteristics of the site.
9. In reaching this conclusion, I have taken into account the dwelling enlargement and outbuildings that were recently the subject of a Certificate of Lawfulness. I have, however, assessed the proposal on its own merits and find it to be acceptable for the reasons given.
10. On the main issue, I conclude that the proposed development would not materially harm the character and appearance of the local area. Accordingly, it does not conflict with Policies 7.4 and 7.6 of The London Plan, Policy CS5 of the Barnet's Local Plan (Core Strategy), Policy DM01 of Barnet's Local Plan (Development Management Policies) or the Council's Supplementary Planning Document, *Residential Design Guidance*. These policies and guidance aim to ensure that development achieves the highest standards of design and respects local character. It would also comply with the National Planning Policy Framework, which emphasises the importance of securing high quality design and seeks to ensure that development adds to the overall qualities of an area.
11. During demolition and construction there would inevitably be some impact on the local area, traffic flows and nearby occupiers from noise and general disturbance and from vehicles going to and from the site. However, this potential disruption would be over a limited time period and could be managed in a way that minimises disturbance through a Construction and Demolition

Method Statement (CDMS), which could be secured by condition. With an approved Statement in place and adhered to, the proposal would not contribute unacceptably to traffic disruption, prejudice highway safety or significantly harm residential amenity.

12. The appellant's Arboricultural Survey and Impact Assessment (AS&IA) states that none of the trees within or just beyond the site are protected. It identifies only 3 trees of higher value, all of which would be retained if the development to proceed. The submitted Arboricultural Method Statement (AMS) includes measures to protect the health and longevity of the retained trees, which could be secured by condition.
13. Reasonable distances would separate the new dwelling and the houses that back onto the site. In those circumstances, the appeal scheme would not cause an undue loss of privacy through overlooking. There is no clear evidence to demonstrate that wildlife habitats would be adversely affected or that the proposal would cause or exacerbate local drainage problems. I therefore find no compelling reasons to justify withholding planning permission on these particular grounds. The appellant also makes clear that the dwelling would not be used for business purposes.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development be carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, conditions are imposed requiring details of external materials, ground and finished floor levels, means of enclosure, landscaping and refuse storage. Conditions to encourage water efficiency and to reduce carbon dioxide emissions are also necessary to reduce water consumption and to promote sustainable development respectively.
15. To safeguard the living conditions of the occupiers of nearby properties, a condition requiring the approval of and subsequent compliance with a CDMS is necessary. For the same reason, a condition is imposed to limit the times in which demolition and construction may take place. To protect retained trees on site, a condition is attached to require compliance with the submitted AMS.
16. Additional extensions and alterations to the new dwelling or additional outbuildings within the plot could affect the visual character of the area as well as the living conditions of nearby residents. Therefore, it is necessary to remove exceptionally some permitted development (PD) rights by condition to safeguard the character of the local area and residential amenity.
17. Where necessary, I have amended the Council's suggested conditions for clarity, concision and to more closely reflect national policy. That the restriction on PD rights should apply to land to the rear of 138 Clitterhouse Road, as suggested by the Council, has not been applied because I could find no such property near to the site.
18. The Planning Practice Guidance states that conditions requiring compliance with other regulatory requirements will not meet the test of necessity and may not be relevant to planning. Accordingly, I have not imposed a condition to require compliance with building regulations. A requirement that water be supplied through a meter has not been imposed since this requirement is unnecessary to make the development acceptable in planning terms.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 17.219.001, 17.219.100, 17.219.101, 17.219.102, 17.219.110, 17.219.111, 17.219.112, 17.219.113, 17.219.230 a, 17.219.231 a, 17.219.232 a, 17.219.233 a, 17.219.234 a, 17.219.240 a, 17.219.241 a, 17.219.242 a, 17.219.243 a, 17.219.250 a, 17.219.260 a, 17.219.261 a, 17.219.262 a, 17.219.263 a and LD-001.
- 3) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) The dwelling hereby permitted shall not be occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and completed prior to first occupation of the dwelling.
- 5) Demolition, construction works and deliveries associated with the development hereby permitted shall take place only between 0800 hours and 1800 hours, Monday to Friday; between 0800 hours and 1300 hours on Saturday and shall not take place at any time on Sundays or on Bank Holidays or Public Holidays.
- 6) No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works. The approved Statement shall be adhered to throughout the demolition and construction period for the development.
- 7) The dwelling hereby permitted shall not be occupied until refuse storage and collection facilities have been provided in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The approved refuse storage and collection facilities shall be permanently retained thereafter.

- 8) The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the local planning authority to demonstrate that measures have been incorporated to 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. These carbon dioxide reduction measures shall be permanently retained thereafter.
- 9) The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the local planning authority to demonstrate that the development will not exceed a maximum water use of 105 litres per person per day (plus 5 litres for outside use) in line with the Water Efficiency Calculator for new dwellings from the Department of Communities and Local Government. These measures shall be permanently retained thereafter.
- 10) The measures specified in the Arboricultural Method Statement prepared by Marcus Foster Arboricultural Design & Consultancy dated 15 May 2018 shall be implemented in their entirety for the duration of the demolition and construction phases of the development hereby permitted.
- 11) Development shall not begin until details of the existing and proposed ground levels and the proposed finished ground floor levels of the building hereby permitted have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform and buildings. Development shall be carried out in accordance with the approved details.
- 12) The dwelling hereby permitted shall not be occupied until hard and soft landscape works have been carried out in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. Where appropriate, the scheme shall include: car parking layout; pedestrian access and circulation areas; green roofs, hard surfacing materials; minor artefacts and structures (eg. furniture, gates, play equipment, signs, lighting); and proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes and supports). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers and densities.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees, shrubs, hedges, plants or any part of the green roofs which within a period of five 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.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and

Country Planning Act 1990) as may otherwise be permitted by Classes A to F (inclusive) of Part 1 of Schedule 2 of the Order shall be carried out.