



Appeal Decision

Site visit made on 21 January 2020 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/N5090/W/19/3237980

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 Mrs Natasha Greensite against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/2757/FUL, dated 13 May 2019, was refused by notice dated 18 July 2019.
 - The proposed development is erection of a single storey building with a basement level following demolition of existing single family dwellinghouse to create 4no self-contained residential units. Associated alterations to hard and soft landscaping, parking and refuse/recycle store.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In the interests of clarity and precision, the description of the proposed development set out within the banner heading above has been taken from the decision notice.
4. The appellant has provided revised plans with the appeal showing lightwells and larger high-level glazing. While neighbouring occupants have not had the chance to provide comments on these, I consider that they would not be prejudiced by my acceptance of them as they do not drastically alter the proposal. I have therefore accepted the revised plans and have taken them into consideration as part of my recommendation.

Main Issues

5. The main issues are:
 - i) whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to light, outlook and privacy;
 - ii) the effect of the proposed development on the character of the surrounding area.
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Reasons for the Recommendation

Living Conditions for Future Occupants

6. The appeal site comprises a bungalow within a backland location accessed from Grove Road. The site lies between the rear gardens of properties which front Grove Road to the east, Castle Road to the north and Lambert Road to the west.
7. Two privacy screens, each measuring 1.7m in height, would be positioned between Units 2 and 3 at ground and lower ground floor level. However, from the plans, there would be significant gap of around 2.3m between the bottom of the ground floor level screen and the top of the lower ground floor level screen. A person standing on a ground floor balcony of either unit would therefore have clear, unobstructed views through this gap into the courtyard and kitchen, living and dining rooms of the other unit. The resulting level of overlooking between the occupants of both units would cause unacceptable harm to their respective living conditions in terms of privacy.
8. The appellant states that the resultant level of overlooking would be comparable to that of first floor windows in terraced houses. However, such first-floor views would usually extend over the garden of the neighbouring property, whereas in this case the ground floor balconies would provide multiple, close-range views directly into the living areas and courtyards (which in the case of unit 2 is the only outdoor amenity area) of the adjacent unit. As such, the example provided is not comparable and does not provide justification for the harm identified above.
9. The outlook towards the courtyard from the kitchen, living and dining rooms of Units 2 and 3 would be partially obstructed by the ground floor balconies above. However, both units would have additional views through the lightwells and clerestory windows and through the floor-to-ceiling height glazing at the northern and southern elevations of the courtyard. As such, both units would have an acceptable level of outlook. I am also satisfied from the evidence before me that the glazing would provide future occupants with sufficient levels of daylight and sunlight at lower-ground floor level.
10. While there may be a degree of overshadowing caused by the overhanging ground floor level balconies, I do not consider that the harm caused in this respect would be significant due to positioning and limited depth and width of these balconies. Furthermore, as a condition could be imposed to ensure that the privacy screens would be translucent, I do not consider that they would cause an unacceptable level of harm to the lower ground floor level habitable rooms or the courtyard of Unit 2 in terms of overshadowing.
11. Nonetheless, for the above reasons, I conclude that the proposed development would not provide acceptable living conditions for future occupants with regard to privacy. The proposal therefore conflicts with Policy DM01 of Barnet's Development Management Document (2012), the Sustainable Design and Construction SPD (2016) and the Housing SPG (2016) which state that development should allow for adequate levels of privacy for occupiers.

Character of Surrounding Area

12. Application Ref 18/3393/FUL, which was allowed at appeal, would provide living accommodation for up to 11 people as part of a single household. In contrast,

the proposed development would provide living accommodation for up to 15 people between four separate households. While the proposed development would result in a greater level of activity within the site, as well increased movement to and from the site, I consider that the resultant increase in activity resulting from four additional people living on site would be limited and not be significantly more harmful to the character of the surrounding area than that which would result from the scheme in the extant permission. Furthermore, as such activity and movement would be contained within a secluded, backland location, any impact upon the overall character of the area would be minimal. I therefore consider that the level of activity resulting from the proposal would have an acceptable effect on the character of the area.

13. For the above reasons, I conclude that the proposed development would have an acceptable effect on the character of the surrounding area. The proposed development would therefore comply with Policy CS5 of Barnet's Core Strategy (2012), Policy DM01 of Barnet's Development Management Policies (2012) and the Residential Design Guidance SPD (2016) which state that development must respect local context and distinctive local character and be based on an understanding of local characteristics.

Planning Balance, Conclusion and Recommendation

14. Although I have found that the proposed development would have an acceptable effect on the character of the surrounding area, this is outweighed by the harm that would be caused by the unacceptable living conditions that would be provided for future occupants in terms of privacy.
15. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR