
Appeal Decision

Site visit made on 25 July 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/N5090/D/17/3174966

118 Southover, North Finchley, London, N12 7HD

- 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 Mr Neil Shah against the decision of the London Borough of Barnet.
 - The application Ref 16/8108/HSE, dated 21 December 2016, was refused by notice dated 21 February 2017.
 - The development proposed is a garden outbuilding along the garden fence fronting Southover. Clad in timber to street side.
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Decision

1. The appeal is allowed and planning permission is granted for a garden outbuilding along the garden fence fronting Southover. Clad in timber to street side at 118 Southover, North Finchley, London, N12 7HD in accordance with the terms of the application, Ref 16/8108/HSE, dated 21 December 2016, subject to the conditions below:
 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: Drawing Nos. 1507-03_pl_000 Rev A, 1507-03_pl_001 Rev A, 1507-03_pl_002 Rev A, 1507-03_pl_003 Rev A, 1507-03_pl_101 Rev A, 1507-03_pl_102 Rev A & 1507-03_pl_103 Rev B.
 3. Details of the external finish to be applied to the outbuilding hereby approved shall be submitted to the Local Planning Authority within 1 month of the grant of this planning permission, for written approval.

The finish shall thereafter be applied in accordance with the materials as approved under this condition, and prior to first occupation or use of the outbuilding.
 4. The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate units or dwelling.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the area.
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Reasons

3. The appeal property comprises a two-storey detached dwelling which occupies a broadly triangular-shaped plot at the very northern end of Southover. The dwelling is set-back from the road frontage by an open-plan garden and is set back at a comparable distance to the adjacent dwellings to the south. The property incorporates private gardens, the boundaries of which are denoted by timber fencing, and which include a section of garden to the side of the property which is set forward of the plane of the front elevation of the dwelling. The timber fence along the boundary fronting Southover is set behind existing tree and shrub planting. Rear gardens of properties on Laurel Way, and an electricity sub-station occupying a small parcel of land, adjoin to the north of the boundary of the appeal site.
4. The proposed development seeks to introduce a substantial outbuilding into the private garden of the appeal property, with the building proposed to be positioned adjacent to the existing boundary fence fronting on to Southover. The building would, by utilising the sloping character of the appeal site, result in the proposed increase in the height of the existing timber fence by between 0.1 – 0.47 metres.
5. In refusing planning permission, I note that the Council has assessed the location of the proposed outbuilding as being set within the front garden of the property, which the Council contends would be contrary to the Barnet Local Plan Supplementary Planning Document: Residential Design Guidance, October 2016 (the Residential Design Guidance). This guidance outlines that detached buildings are not normally acceptable in front gardens because of their dominant impact on the streetscene.
6. I accept that the proposed development would occupy a position forward of the nominal building line established by the plane of the front elevation of the appeal property and its immediate neighbours, and also that there are no other detached buildings observed within the front gardens of other properties on Southover. However, I am satisfied from my observations of the disposition of the appeal site and neighbouring land that the open-plan gardens to the front of the dwellings would accord with a reasonable definition of 'front' gardens in this instance, with the remaining garden land on the appeal site being more accurately described as 'rear' or 'side' gardens. As such, I am not therefore persuaded that the location of the development would be within the front garden as contended by the Council.
7. Turning to the specific impact of the proposals, I accept that the proposed outbuilding would represent a substantial and unusual form of development, albeit that I am satisfied from the submitted evidence that it would relate acceptably to the dwelling and residual garden land. However, whilst I have carefully considered the implication of the proposed increase in the height of the existing boundary fence to ensure that the proposed building is screened from the street, I do not consider that the relatively modest increases would be harmful in the context of the streetscene, with the existing mature planting adjacent to the Southover boundary screening much of the existing fence line. Furthermore, whilst I have had regard to the Council's concern over the loss of the staggered fence-line, I do not regard this feature as representing a particularly prominent or important characteristic within the street scene, and

therefore I am satisfied that its loss would not as a consequence be either visually harmful or would have an adverse effect on the character of the area.

8. The Council has made a brief reference within its submissions to the potential for the development to create an undesirable precedent for similar development in the future. However, being mindful of the reasons set out above, a scheme genuinely comparable with this one would be likely to be acceptable and I envisage that the Council would successfully be able to resist any development which could be shown to be likely to cause demonstrable harm.
9. I have had regard to the appellant's reporting of a possible fallback position related to an alternative form of outbuilding development on the appeal site, which it is indicated could be implemented as permitted development. However, whether there would be a significant probability of the alternative development taking place has not, as a consequence of the reasons set out above, had any significant bearing on my decision-making in respect of this appeal.
10. I am satisfied that the proposals would not result in an adverse effect on the character and appearance of the appeal property and the area. There would not as a consequence be conflict with Policies CS1 and CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document 2012, Policy DM1 of Barnet's Local Plan (Development Management Policies) Development Plan Documents 2012, and the Residential Design Guidance. These policies and guidance seek to advocate the highest standards of urban design, whilst requiring development to be compatible with the character of an area and respect local context, and respect and enhance the gardens of residential properties and the appearance of spaces and streets.

Conditions

11. In addition to the standard conditions related to timeliness and the identification of plans, the Council has suggested a condition requiring the submission of details of the finishes to be used on the outbuilding, which I have clarified as relating to the 'external' part of the building. I consider that this condition would be reasonable and necessary so as to ensure that the development does not result in an adverse impact on the character and appearance of the host building and area. I also accept that a condition seeking to ensure that the use and occupation of the outbuilding would remain ancillary to the existing dwelling would also be reasonable and necessary as a means of ensuring that the development accords with the character of the area.

Conclusion

12. For the reasons given above, and subject to the conditions listed, the appeal is allowed.

M Seaton

INSPECTOR

LOCATION: 118 Southover, London, N12 7HD,

PROPOSAL: Erection of outbuilding to front/side of property and increase in height of fence

KEY DATES	
Statutory Expiry:	22nd February 2017
Recommendation:	15th February 2017
Ex. of time (if applicable):	
Site Visit (if applicable):	9th January 2017

Case Officer:	Sofie Fieldsend
Area Team:	Chipping Barnet Area Team
Applicant:	Mr Neil Shah
Ward:	Totteridge
CIL Liable?	

OFFICER'S ASSESSMENT

1. Site Description

The property is a two storey detached house, lying at the northern end of Southover. No 118 along with Nos 114 and 116 lies on a c.6m 'building line', shallower than others to the south, but the plot (which is triangular in form) has a high front fence of over 1.8m and tree and shrub planting along most of the front and diagonal rear boundaries. A large electricity sub-station adjoins the site.

The dwelling is not listed and it does not fall within a designated conservation area.

2. Site History

Reference: B/00192/12

Address: 118 Southover, London, N12 7HD

Decision: Approved subject to conditions

Decision Date: 1 March 2013

Description: Erection of single storey outbuilding at rear garden. (Amended plans)

3. Proposal

This proposal is for a single storey outbuilding along the front boundary of the site.

It has a mixed width of 18.3m and 15.052m, 3.5m in depth and stands at 2.775m with a flat roof proposed.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties. No responses were received.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are

characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

It is noted under previous planning ref. B/00192/12 that the property was granted permission for a smaller outbuilding at the rear of the property. This outbuilding measured 8.7m long by 3.6m wide, and a height of 3m. The previous case officer negotiated a revised siting of the outbuilding to the rear as the original plans show the outbuilding proposed along the front boundary.

Barnet's residential design guidance (2016) outlines that detached buildings are not normally acceptable in front gardens because of their dominant impact on the street scene. It is noted that there are no outbuildings in the front gardens of the properties along Southover. It is considered that this proposal would create an unacceptable precedent in the area.

In terms of scale, although it does have a proposed height of 2.775m, the proposed outbuilding would have a footprint of 58sqm which is larger than the minimum floor space required for a 1B2P single storey dwelling. It is considered that its scale and width is excessive for a single storey outbuilding as it extends more than half the width of the wide front boundary. Therefore this proposal is considered to have an adverse impact on the character of the site and the character of the surrounding area.

It is considered with its proposed height and siting a significant distance away from neighbouring properties that it would not cause demonstrable harm to amenity of neighbouring properties to an extent that would warrant a reason for refusal.

In addition the proposal will increase the height of the existing front boundary fence to screen the outbuilding. It is noted that the existing fence has multiple staggers as the

street gently slopes up Northwards. The proposal will increase the fence height by 0.1-0.47m and reduce the number of staggers. This will result in a boundary fence of 2.375-2.88m in height. It is considered that this increase in height and reduction in staggers will make the new fence appear visually prominent and overbearing within the street scene which will have an adverse impact on the character of the dwelling and the character of the street.

5.4 Response to Public Consultation

N/A

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality. This application is therefore recommended for REFUSAL.

8. The proposed conditions in the event of an appeal

1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1507-03_pl_000 Rev A, 1507-03_pl_001 Rev A, 1507-03_pl_002 Rev A, 1507-03_pl_003 Rev A, 1507-03_pl_101 Rev A, 1507-03_pl_102 Rev A and 1507-03_pl_103 Rev B.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

2) This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

3) a) Details of the finish to be applied to the outbuilding hereby approved shall be submitted to the Local Planning Authority within 1 month of this grant of planning permission for written approval.

b) The finish shall thereafter be applied in accordance with the materials as approved under this condition within 1 month of the details having been approved.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

4) The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

OFFICER'S RECOMMENDATION / PREVIEW OF DECISION

Refuse

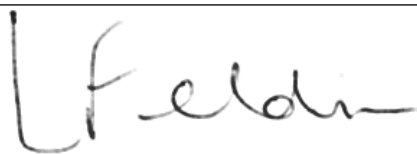
- 1 The proposed outbuilding by reason of its scale, siting and design would be inappropriate and along with the increase in the height of the fence which would appear overbearing in the streetscene, would make this proposal appear out of context with the prevailing character of the area and would introduce a feature detrimental to the character and appearance of the host property, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Informative(s):

- 1 The plans accompanying this application are: 1507-03_pl_000 Rev A, 1507-03_pl_001 Rev A, 1507-03_pl_002 Rev A, 1507-03_pl_003 Rev A, 1507-03_pl_101 Rev A, 1507-03_pl_102 Rev A and 1507-03_pl_103 Rev B.
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

**Signature of Officer
with Delegated
Authority**

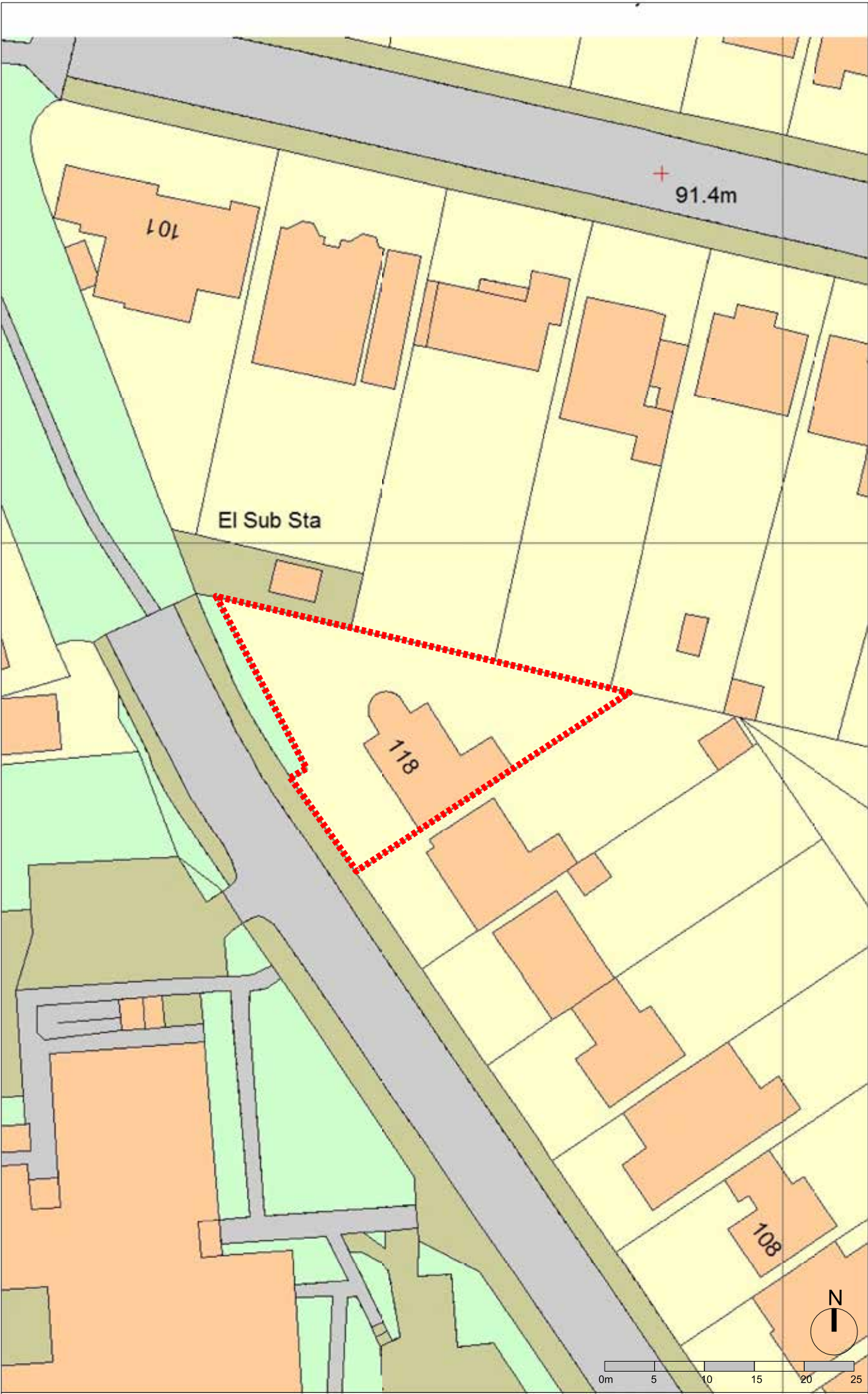
A handwritten signature in black ink, appearing to read 'L Feldman'. The signature is written in a cursive, flowing style with a large initial 'L'.

Lesley Feldman, Planning Manager

SITE LOCATION PLAN
AREA 2 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 525164 , 193280

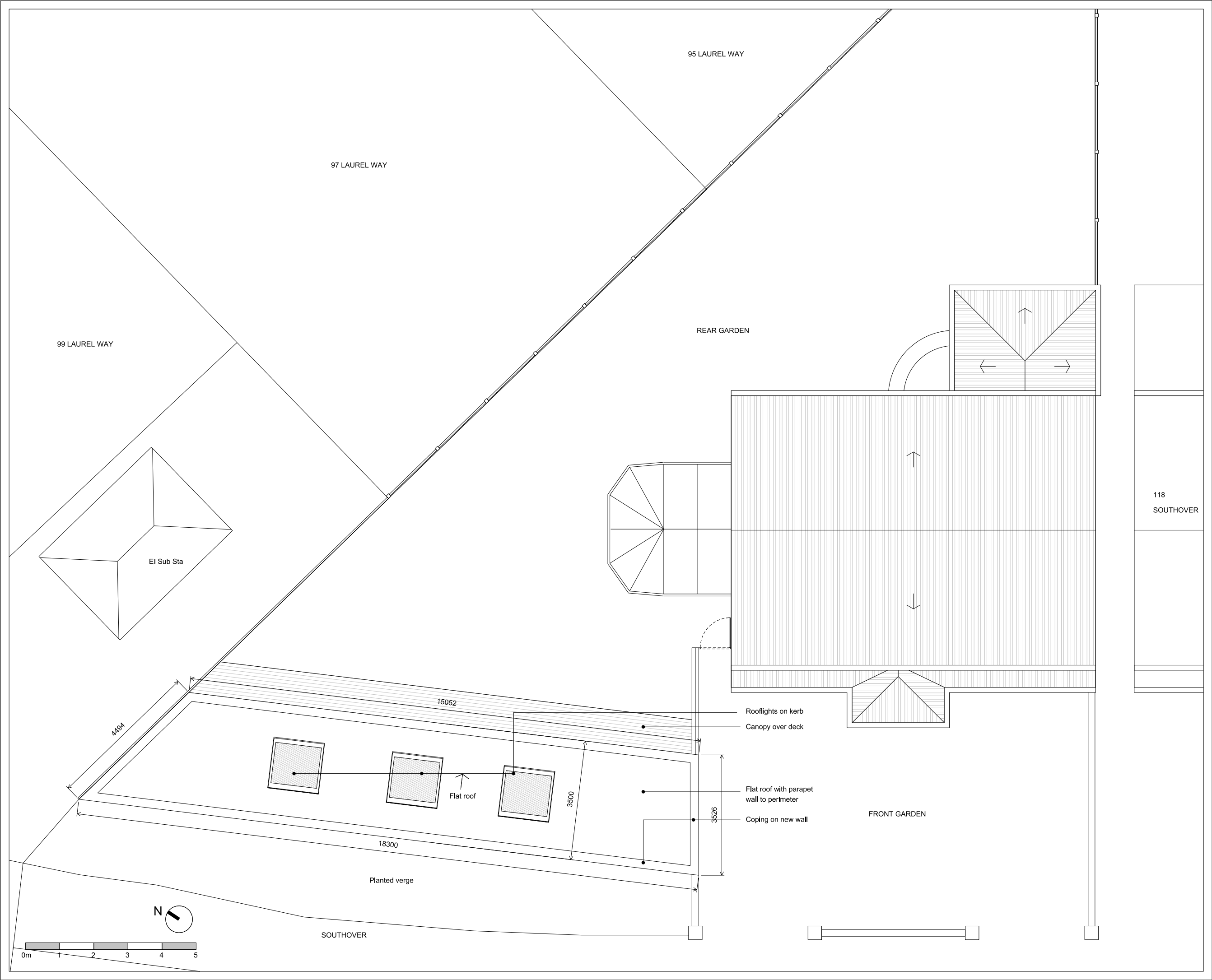


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Notes:
Unless stated otherwise, all dimensions are in millimetres.
All dimensions to be checked and confirmed on site by contractor and as such are to be his responsibility.
Any errors, omissions or discrepancies on this drawing are to be reported to the architect.
Survey based on measurements taken on site visit 08/04/2013

Rev:	JOE WRIGHT ARCHITECTS t: www.joewrightarchitects.co.uk e: info@joewrightarchitects.co.uk		
Client:	118 Southover, Barnet Out Building		
Project:	Existing Drawings Site Plan and Block Plan		
Drawing Title:	Scale: 1:1250 / 1:500 @ A3	Date: 20.12.16	
Drwg No: 1507-03_PL_000	Rev: A		



Notes:

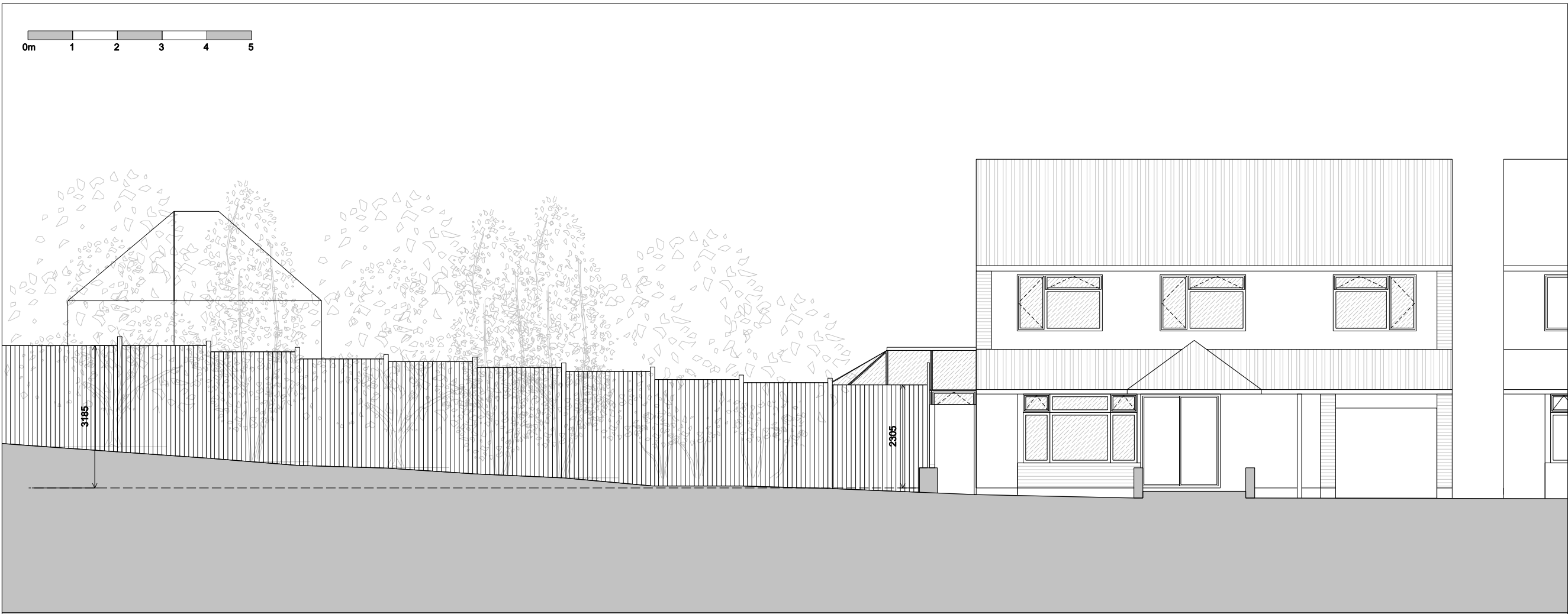
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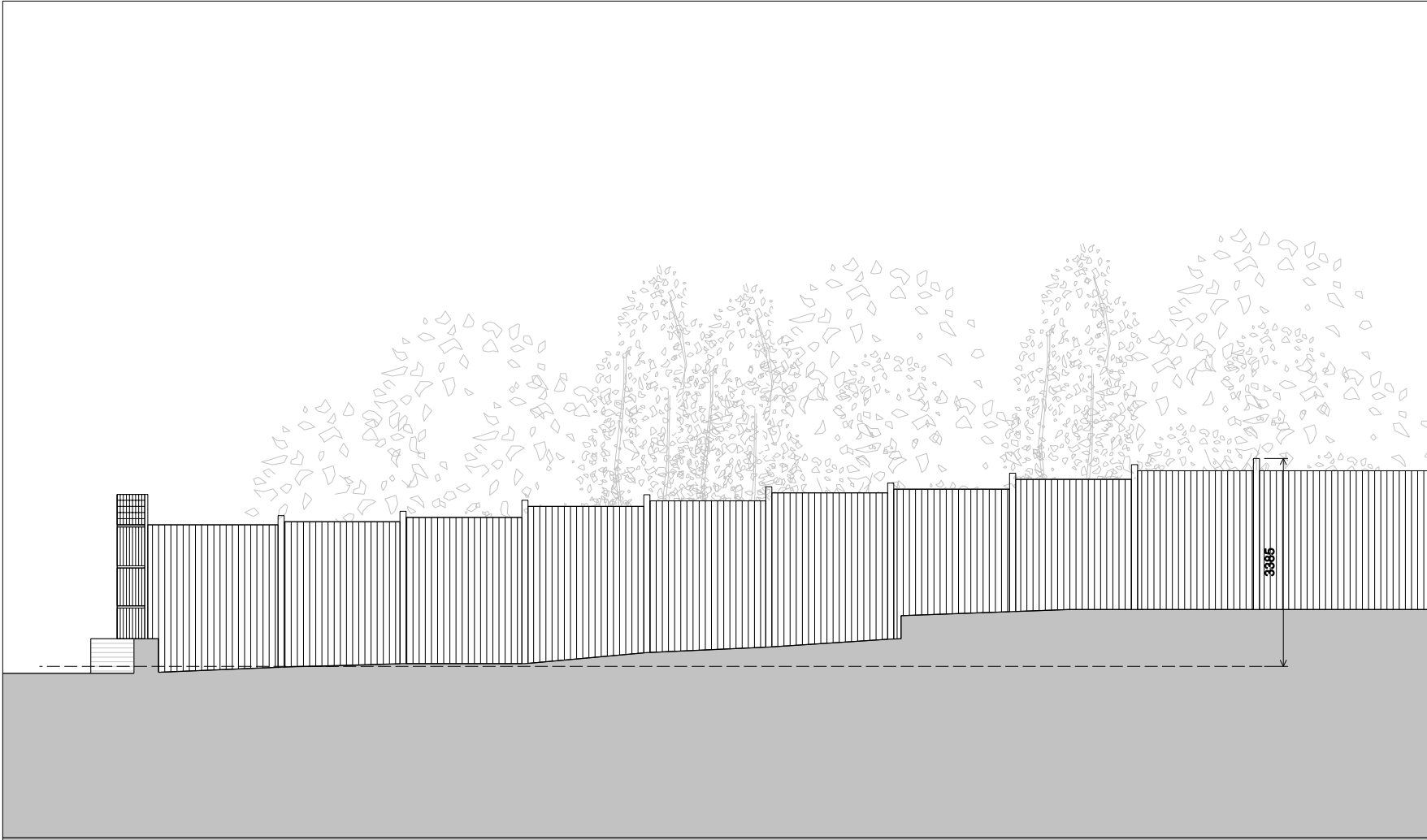
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Survey based on measurements taken on site visit 08.04.2013

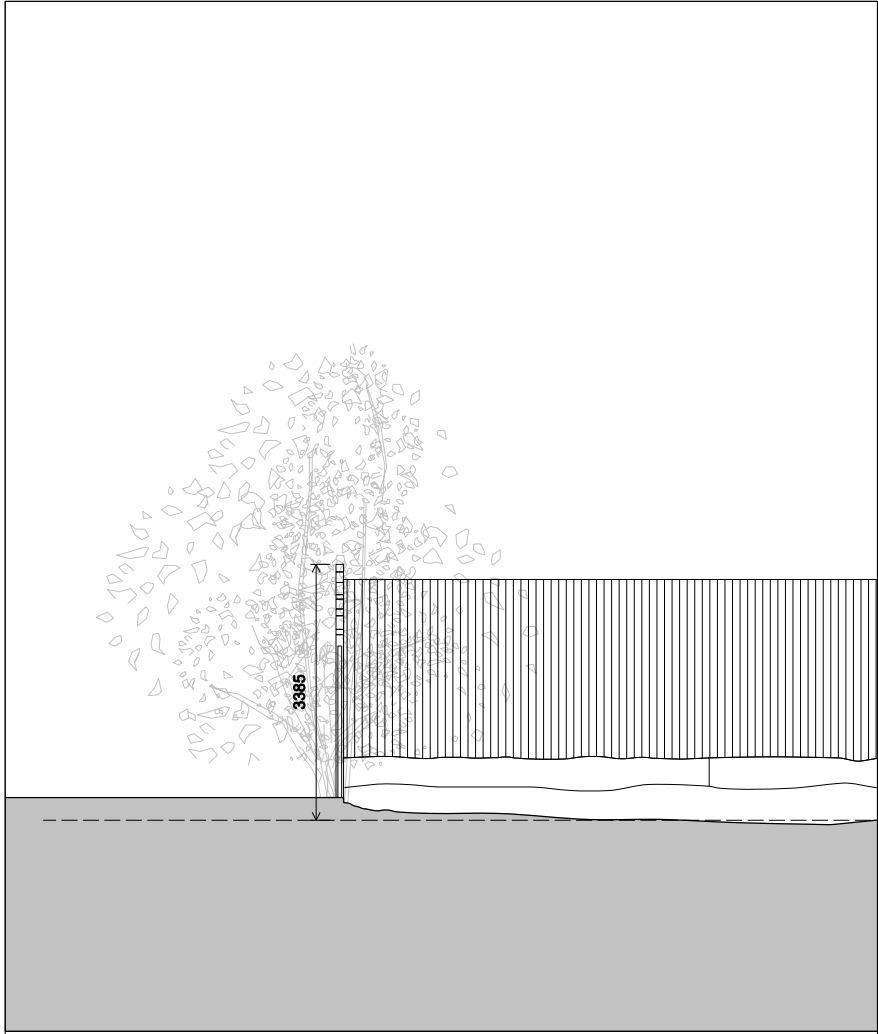
Rev:	
JOE WRIGHT ARCHITECTS	
t: www.joewrightarchitects.co.uk e: info@joewrightarchitects.co.uk	
Client:	
Project: 118 Southover, Barnet	
Out Building	
Drawing: Proposed Drawing	
Title: Plot Plan	
Scale: 1:100 @ A3	Date: 20.12.16
Drwg No: 1507-03_PL_101	Rev: A



ELEVATION 01



ELEVATION 02



SECTION 03

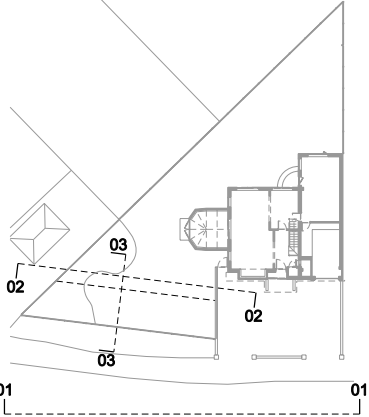
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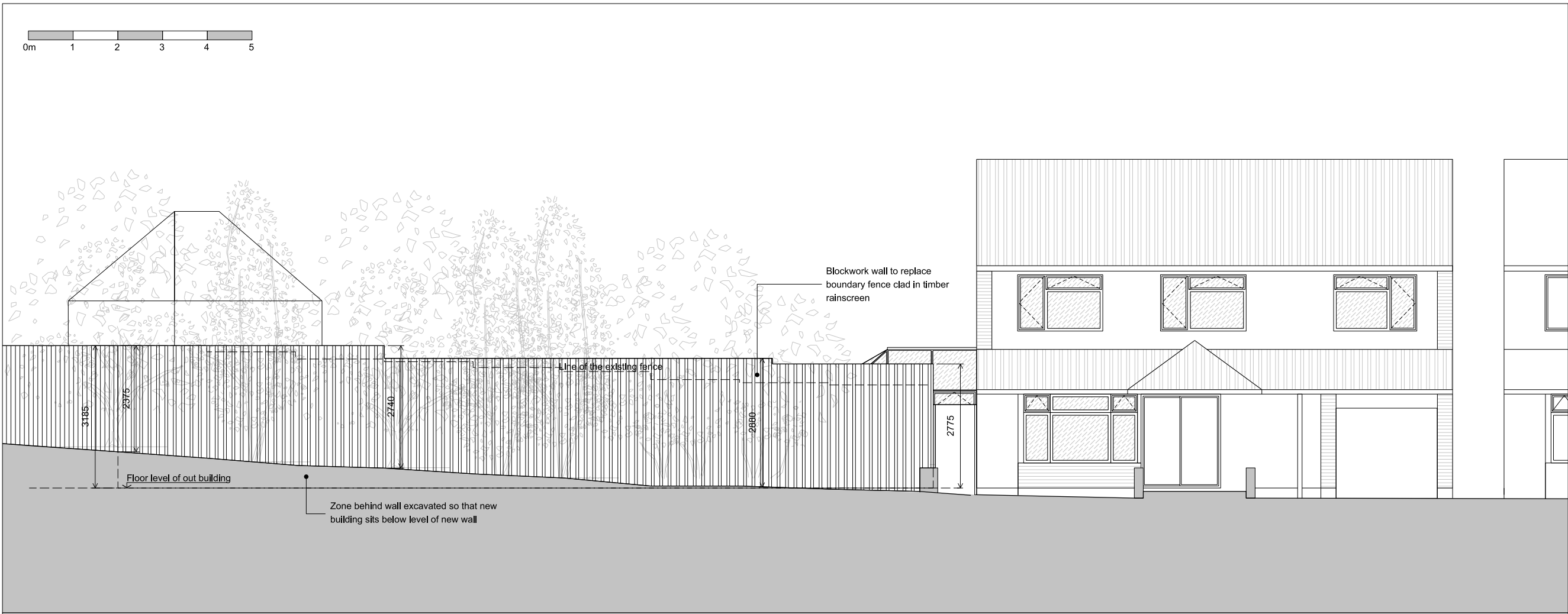
Survey based on measurements taken on site visit 08.04.2013



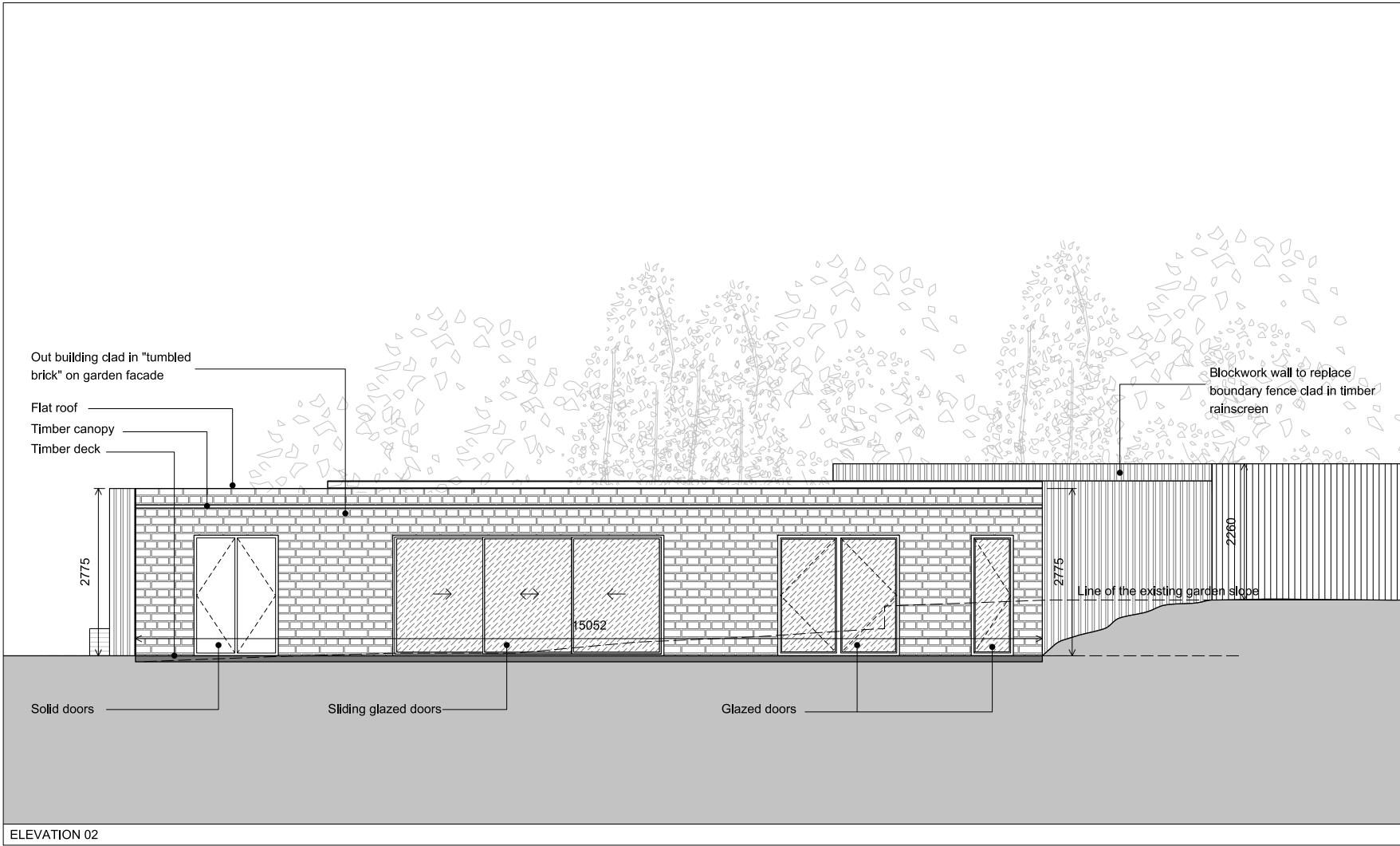
SOUTHOVER

KEY PLAN

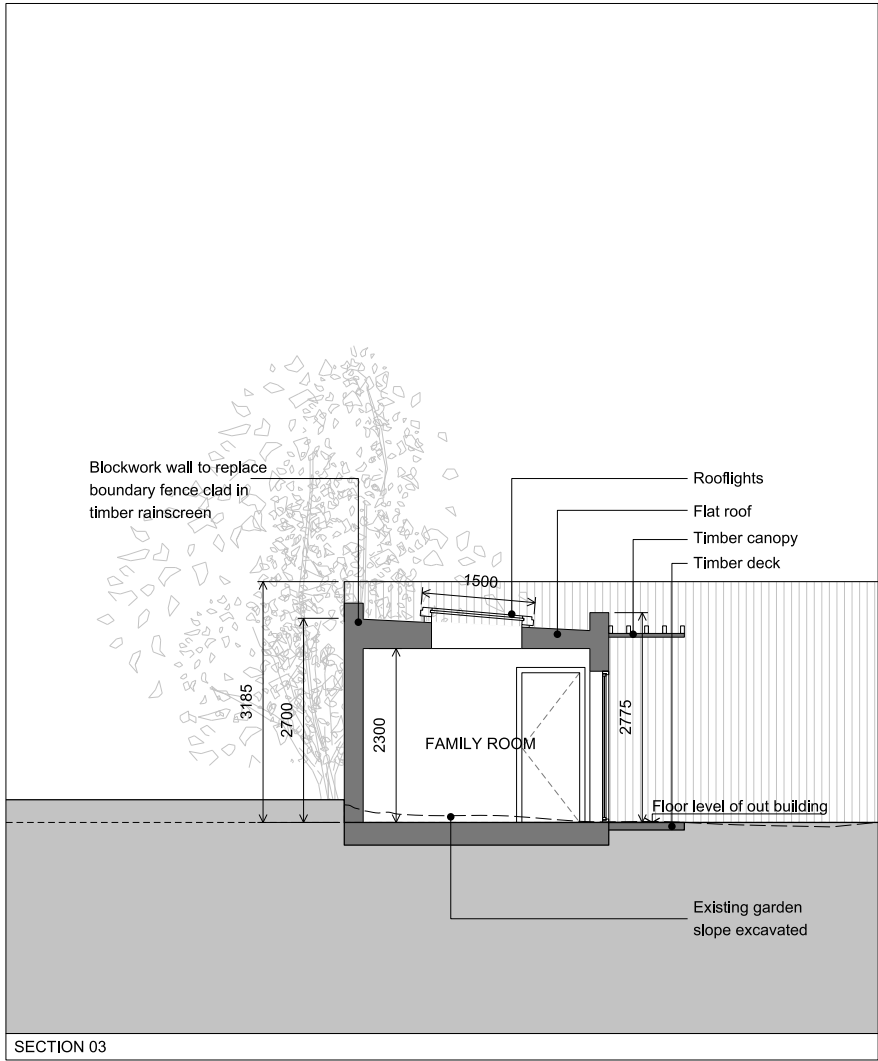
Rev:	
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t: www.joewrightarchitects.co.uk e: info@joewrightarchitects.co.uk	
Client:	
Project: 118 Southover, Barnet	
Out Building	
Drawing Title: Existing Drawing Elevations	
Scale: 1:100 @ A3	Date: 20.12.16
Dwg No: 1507-03_PL_003	Rev: A



ELEVATION 01



ELEVATION 02



SECTION 03

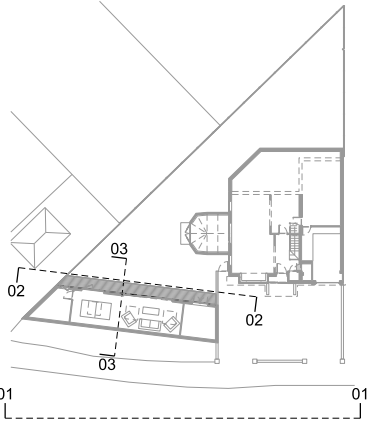
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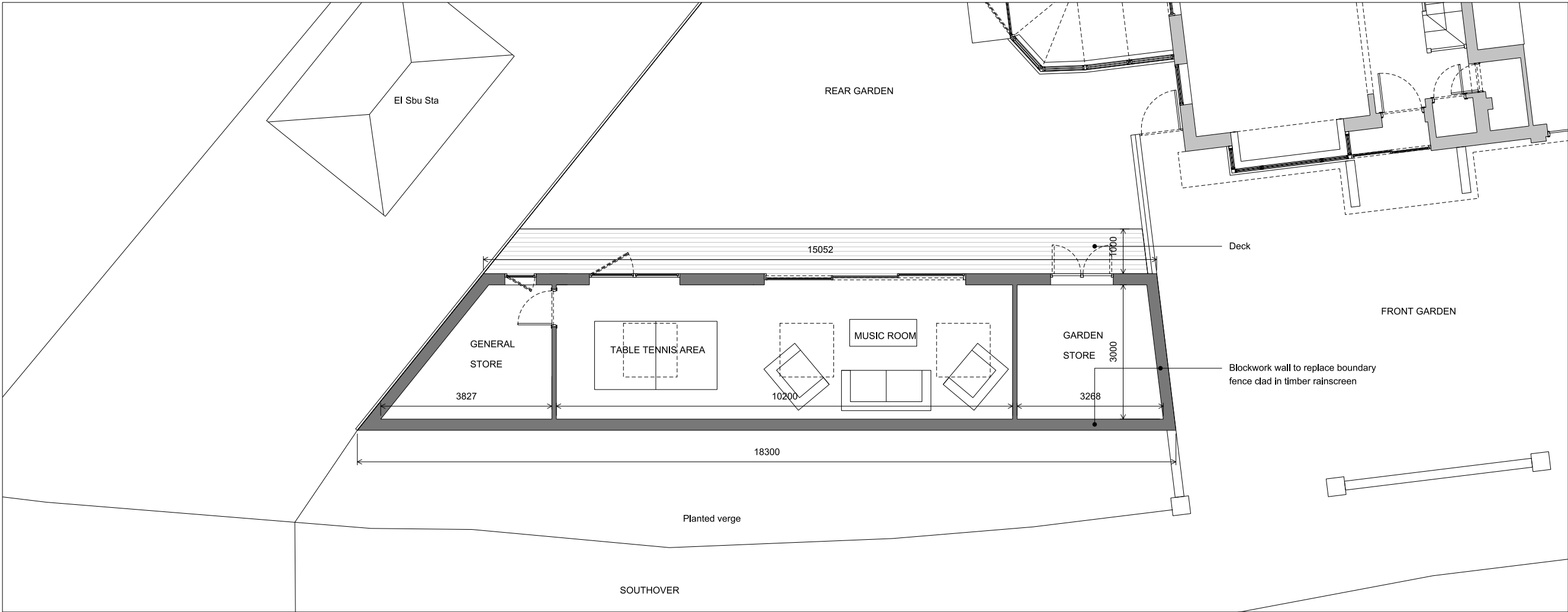
Survey based on measurements taken on site visit 08.04.2013



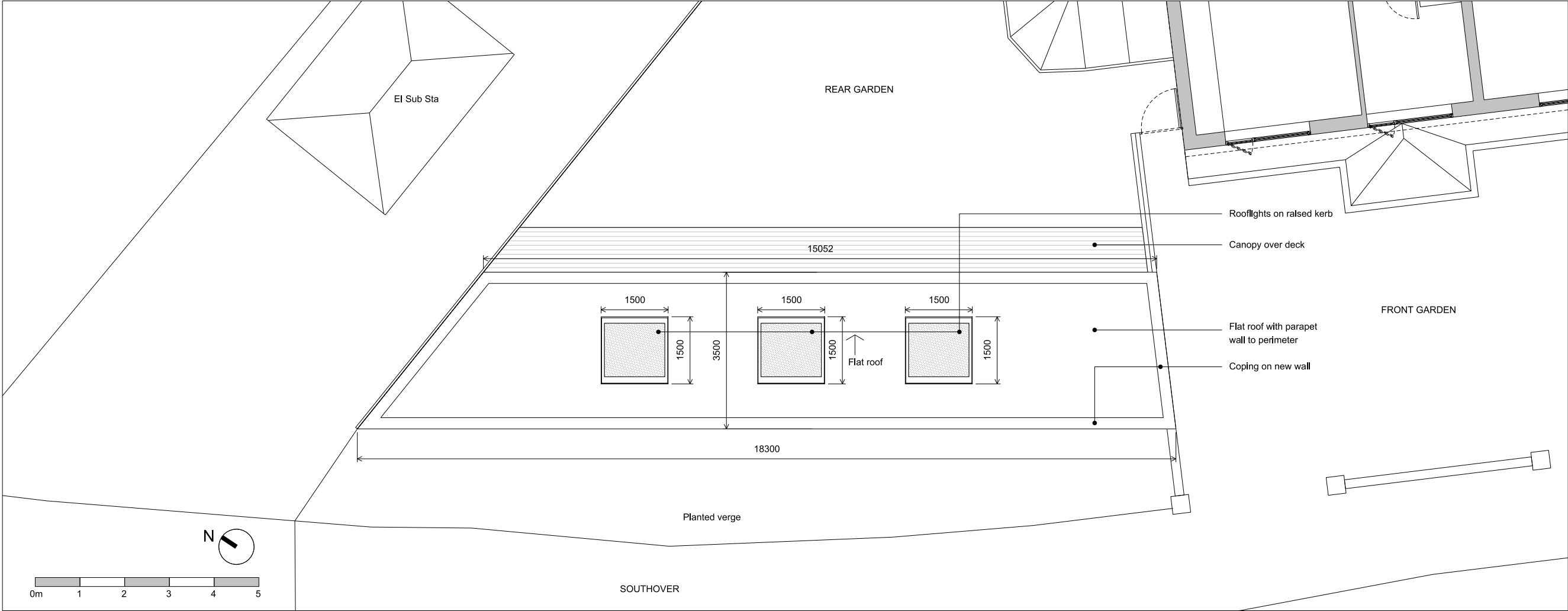
SOUTHOVER

KEY PLAN

Rev:	
JOE WRIGHT ARCHITECTS	
i: www.joewrightarchitects.co.uk e: info@joewrightarchitects.co.uk	
Client:	
Project: 118 Southover, Barnet	
Out Building	
Drawing Title: Proposed Drawing Elevations	
Scale: 1:100 @ A3	Date: 20.12.16
Drwg No: 1507-03_PL_103	Rev: B



GROUND FLOOR PLAN



ROOF PLAN

Notes:

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Any errors, omissions or discrepancies on this drawing are to be reported to the architect.

Survey based on measurements taken on site visit 08.04.2013

Rev:	
JOE WRIGHT ARCHITECTS	
t: www.joewrightarchitects.co.uk e: info@joewrightarchitects.co.uk	
Client:	
Project: 118 Southover, Barnet	
Out Building	
Drawing: Proposed Drawing	
Title: Plans	
Scale: 1:100 @ A3	Date: 20.12.16
Drwg No: 1507-03_PL_102	Rev: A