
Appeal Decision

Site visit made on 11 October 2016

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 25 October 2016

Appeal Ref: APP/N5090/W/16/3155530
736 High Road, North Finchley N12 9QD

- 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 T Somaiya against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/2908/FUL, dated 3 May 2016, was refused by notice dated 5 July 2016.
 - The development proposed is creation of 6no. self-contained residential units with associated amenity space, refuse and cycle storage. Partial change of use of existing ground floor and first floors from A2 use into C3 use. Use of the ground floor for retail and part of first floor as office. Construction of new second and third floors and erection of new three storey rear extension involving mezzanine, first and second floors.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw at my site visit that construction works were considerably underway at the appeal property with the shell of a second floor extension with pitched roof and roof lights and a three storey extension to the rear completed. These works benefit from permission granted by the Council in March 2016.

Main Issue

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

Reasons

4. The appeal property is an unoccupied three storey building located on the High Road. The site lies within the North Finchley primary shopping frontage, a busy and vibrant commercial area. There are a variety of building types in the locality ranging from two to four storeys in height with a mix of building materials and designs. The appeal property adjoins a flat roof two storey building to one side and a pitched roof two storey building to the other. An access road and public car park lie to the rear.
 5. The site already benefits from permission for the creation of 4no. flats and the change of use from A2 to C3, the use of the ground floor for retail and part first floor as office, the construction of third floor and erection of three storey rear extension. This permission has been implemented and works are substantially
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underway with the shell of the building complete. In addition to the works granted under the previous permission, the current proposal encompasses the erection of an additional storey to the building to accommodate a further two residential units. The Council's primary concern lies therefore with the proposed additional storey.

6. Given the height and bulk of the proposed addition, this part of the building would be highly visible. I note the appellant's comments that the top floor would not be visible from the pavement immediately below. Nevertheless, the extension would be highly visible when approaching the site from the north, from opposite the site and when viewed from the rear.
7. The additional floor would have a box like appearance and a fussy and awkward relationship with the recently constructed extension. By virtue of its inappropriate design and excessive bulk, the proposal would result in a visually incongruous and overly dominant addition to the building. Despite its set back, the design and differing roof profiles would result in a visually jarring juxtaposition of scale and form that would be of visual harm to the appeal property and the wider character and appearance of the area.
8. I note the appellant's reference to permission granted for the redevelopment of the adjacent flat roofed building to a four storey building and other four storey properties in the locality. However, as the appellant has stated the adjacent development has not come forward and I must assess the appeal proposal on its own merits.
9. I acknowledge that there are benefits to the proposal, including the contribution to housing supply and the accessible location. However, given the modest contribution of two additional units, the benefits of the scheme are not sufficient to outweigh the harm that I have found above.
10. I therefore conclude that the proposal would materially harm the character and appearance of the host property and the surrounding area and find conflict with Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (2012), Policy DM01 of Barnet's Local Plan Development Management Policies (2012), the National Planning Policy Framework and guidance within the Residential Design Guidance Supplementary Planning Document (2013). These seek, amongst other things, high quality design that respects local context and character. I do not consider Policy 7.3 of the London Plan (2015) to be of relevance to the main issue in the determination of the appeal given that it relates to designing out crime.
11. I note the Council's request for a legal agreement relating to parking permits and the appellants representations with respect to this. However, in light of my finding of harm to the character and appearance there is no necessity to consider this further.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR