
Appeal Decision

Site visit made on 15 November 2016

by Michael Boniface MSc MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/N5090/W/16/3154215

Burnhams, 25 Totteridge Common, Whetstone, London, N20 8LR

- 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 & Mrs F Sidoli against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/06105/FUL, dated 24 September 2015, was refused by notice dated 2 March 2016.
 - The development proposed is the demolition of the existing building and the erection of a two storey detached dwellinghouse with basement and rooms in the roof space, and detached garage. Alterations to hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development was altered by the Council during the course of the planning application and was subsequently adopted by the appellant in the appeal documents. As such, I have used the amended description above.

Main Issues

3. The main issues are:
 - (a) Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan;
 - (b) The effect on the openness of the Green Belt;
 - (c) Whether the character or appearance of the Totteridge Conservation Area would be preserved or enhanced;
 - (d) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The appeal site falls wholly within the Green Belt. Policy DM15 of the Council's Development Management Policies (September 2012) (DMP) restricts

development in the Green Belt in line with the objectives of the National Planning Policy Framework (the Framework).

5. Paragraph 79 of the Framework makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to a number of express exceptions outlined in paragraph 89.
6. These exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. In this case, the appellant sets out that the floor area of the replacement dwelling would be some 441sqm larger than the existing property, increasing from 925sqm to 1366sqm. Much of this would be contained within a new basement area, largely below ground level, but a significant proportion would be above ground level, spread over the ground, first and second floors. The Planning Statement (September 2015) explains that the increased volume of the property would be around 30% above ground level.
7. It is unclear whether this figure takes into account the substantial terrace proposed to the rear of the property but it is clear that the entire basement level is discounted. There is disagreement between the parties as to whether the basement should be included in the calculations but, since the basement forms part of the building and the sunken terrace area would mean that a large section of the basement is not contained below the finished ground level, I see little justification for discounting it. When such features are taken into account, the proposal would represent a substantial increase in the size of the building, far exceeding the 25% increase outlined as a 'rule of thumb' for suitably sized extensions to buildings in the Green Belt according to its Residential Design Guidance Supplementary Planning Document (2013), albeit that the proposal is not an extension.
8. I have had regard to the Council's decision at The Tower House, 57 Totteridge Common¹ but this case involved extensions to an existing building, albeit substantial ones. Extensions are considered in a different policy context and I note that a number of extensions had previously been allowed at the property so that the remaining additions were relatively limited. I do not have full details of this case and I am unable to draw any direct or useful comparison with the appeal proposal from the information available. Therefore, I shall determine the appeal on its own merits.
9. With regard to the submitted appeal decision at White Cottage, Surrey², the Inspector's conclusion at paragraph 14 refers to the effect on openness. I will come on to this consideration, but it does not alter my conclusion within regard to this main issue.
10. The proposed building would be materially larger than the existing building and the development would be inappropriate development for the purposes of the Framework. This is, in itself, harmful to the Green Belt and I attach substantial weight to this harm.

¹ 15/01096/HSE

² APP/Y3615/A/12/2168295 – White Cottage, Lower Farm Road, Leatherhead, Surrey

Openness

11. The proposed development would involve reorganisation of the existing building's volume on the site, introducing a building with a deeper plan form but a reduced width, meaning that the principal building would be further away from its side boundaries. The building would be set further back within its plot and the mass and volume would be more concentrated with the removal of the protruding front and rear wings.
12. This could have some benefits in increasing the amount of space around the building and could make some parts of the site more open, where buildings currently stand and would be removed. However, I do not agree that the overall openness of the site would be improved. Openness is epitomised by the absence of buildings. I have already established that the proposed building would be significantly larger than that existing. Any benefits arising from the removal of buildings on some part of the site would in this case, be offset by the substantial increase in volume and mass elsewhere on the site.
13. The proposed building would have a deeper plan form for much of its width. In addition, whilst the highest point of the ridge would be slightly lower than the existing building, much of the proposed building would be significantly taller than the components of the existing building, many of which are relatively low level. The scale and mass of the proposed building would be significantly greater than the existing and this would unquestionably erode the openness of the Green Belt, particularly as the higher parts of the building are likely to be more visible from the public realm, albeit that only glimpsed views are available above the boundary walls, gates and through landscaping.
14. Although the harm to openness would be relatively limited in this case, it nonetheless compounds the harm to the Green Belt that I have already identified. An important purpose of the Green Belt is to prevent the unrestricted sprawl of development and openness is an essential characteristic of the Green Belt which must be protected. The development would be in conflict with Policy DM15 of the DMP which seeks to protect the openness of the Green Belt; and Policy CS7 of the Core Strategy Development Plan Document (2012) (CS) which seeks to protect the Green Belt.
15. I have had regard to the appeal decision as Farnham Lodge³ which is somewhat dated, significantly predating the Framework. In that case, which again involved extensions to an existing building, the proposed development was almost entirely contained below ground level. That is not the case here and again, I do not consider the two cases comparable.

Character and appearance

16. The site falls within the Totteridge Conservation Area. The Character Appraisal Statement (May 2008) recognises the presence of substantial dwellings standing within large grounds with spacious settings and impressive countryside views. It is also recognised that properties tend to have tall boundary treatments and good amounts of landscaping that only allow glimpsed views of the buildings.
17. The appeal property and its neighbours accord with this character, being substantial detached dwellings. I also noted during my visit that many of the

³ APP/R3650/A/04/1162441 – Farnham Lodge, Elstead Road, Shackleford, Godalming, Surrey

nearby properties had been altered or replaced and I acknowledge that some of these have basement extensions.

18. Although the proposed development would increase the size of the property the resulting building would be of a comparable size and scale to many in the area and I do not consider that it would appear out of place or at odds with the prevailing character. Views of the existing buildings are screened to a large extent by the tall boundary wall and gates on the site frontage, as well as the significant and substantial landscaping, which would be enhanced as part of the development.
19. Some long range views of the appeal property might be visible from Partingdale Lane, including a public right of way. However, this would be over a significant distance (around 2km according to the appellant) and the onsite landscaping would filter views so that the proposed building would not be prominent or harmful. This is particularly so as the building would be seen in the context of many other substantial buildings within the conservation area.
20. The development would not alter the identified and established characteristics of the conservation area and I am satisfied that the development would preserve its character and appearance. As such, I find no conflict with Policies CS NPPF, CS1 and CS5 of the CS which identify a presumption in favour of sustainable development, seek high quality design which reflects local context and distinctiveness and seeks to preserve and enhance heritage assets; or Policies DM01 and DM06 of the DMP which have similar objectives. This is a neutral matter in my considerations.
21. The appellant suggests that the redevelopment should be seen as a benefit to the area given the greater distance from the boundaries and regularisation of the building form. However, I do not consider the existing building to be in any way harmful or out of context and I do not attribute any positive weight to its replacement, albeit with an acceptable building in design terms.

Other considerations

22. The appellant identifies benefits that would arise from the development, including the resolution of existing damp and subsidence problems with the building and the creation of a family home that would better meet the modern day needs of the appellants' and their family. As matters that have limited wider or public benefits, I attribute these matters only limited weight in favour of the development.

Conclusion

23. Although I have identified no harm to the character or appearance of the conservation area, the proposed scheme would represent inappropriate development in the Green Belt and harm its openness. I have considered the grounds presented in support of the development but together they do not outweigh the harm the scheme would cause. Consequently, the very special circumstances necessary to justify the development have not been demonstrated. As such, I conclude that the appeal should be dismissed.

Michael Boniface

INSPECTOR