

Appeal Decision

Site visit made on 22 November 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 15th December 2016

Appeal Ref: APP/N5090/W/16/3157722

Cornwall Works, Cornwall Avenue, Finchley, London N3 1LD

- 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 Parul Scampion on behalf of Cornwall Works Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3501/FUL, dated 26 May 2016, was refused by a notice dated 1 August 2016.
 - The development proposed is the construction of a part second floor to create a 2 bedroom (3 person) flat with terrace; 2 cycle parking spaces and refuse/recycling storage at ground floor level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I noted on my site visit that the appeal premises were undergoing substantial alterations to change the use of the premises from B1 (office use) to eight residential units following the grant of prior approval in August 2015, and a subsequent grant of planning permission in October 2016 to extend to second floor level to construct a one bedroomed flat.
 3. At the time of my visit the appeal premises were encapsulated by a scaffolding tower so a clear visual inspection of the Cornwall Works was not possible. I was however able to get an understanding of the site context and its surroundings. The appellant has subsequently provided a full suite of photographs which clearly show all elevations of the building before works commenced and the relationship of the building to neighbouring Cornwall House (Grade 11 Listed Building). I am satisfied that my visual inspection of the site and its context, together with the submitted photographs have provided me with sufficient evidence to enable me to determine this appeal. The Council have had an opportunity to comment and they have raised no objections to the photographs forming part of my considerations. Neither of the main parties has therefore been prejudiced and I have determined the appeal on this basis.
 4. During the appeal process the appellant has submitted a signed and completed Unilateral Undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act, 1990 and Section 16 of the Greater London Council (General Powers) Act 1974. It contains obligations to prevent future occupiers of the
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development from obtaining resident parking permits. The Council has confirmed that the completion of the UU has overcome reason for refusal No 2.

5. The Council's Decision refers to the London Plan, 2015. Minor Alterations to the London Plan were adopted in March 2016 and I am required to determine this appeal on the basis of the development plan and national policy which are in place at the time of my decisions. Furthermore, the Council has advised that since they issued their decision they have updated and adopted their Residential Design Guidance (RDG) and Sustainable Design and Construction Supplementary Planning Documents (SPD) (Adopted October 2016). The appellant has had an opportunity to comment on the updated guidance and I am therefore satisfied that neither party would be prejudiced by my determining the appeal on this basis.

Main Issues

6. The main issues in this case are the effect on the:
 - Character and appearance of Cornwall Works and the surrounding area; and
 - The setting of Cornwall House.

Reasons

Character and appearance

7. Cornwall Avenue is predominantly characterised by residential development. However, Cornwall Works is situated close to the street's junction with Ballards Lane and in this location there are other commercial developments nearby. Cornwall House, which lies adjacent to the appeal site, is in use as a Medical Centre.
8. Cornwall Works were formerly light industrial premises. The premises have a "U" shaped footprint with two projecting wings fronting towards and abutting Cornwall Avenue. The premises themselves, although displaying a mixture of roof forms and materials, retain a simple and robust utilitarian form and appearance.
9. The appeal proposal would introduce a second floor onto a part of the building which is recessed well into the site and therefore less prominent within the street scene as a whole. However, this part of the building provides a simple and cohesive link between the two projecting wings of the premises and its overall scale and appearance contributes significantly to the character and appearance of Cornwall Works as a whole.
10. The proposed second floor addition, despite its relatively low profile and flat roof design, would appear as a dominant addition to Cornwall Works by reason of its scale and positioning. Although the proposal would not extend across the full width of the flat roof, its overall mass and position at roof level would be such that it would appear visually prominent. Moreover, it would detract from the simple robust form of the host property and diminish this intrinsic design quality as well as altering the property's original proportions. The extended stairway would introduce a further addition to the roof which in itself would not be visually connected to either the host property or to the new accommodation. Consequently, it would appear as an incongruous addition that would further erode the appearance of the host property.

11. Cornwall Works sits comfortably on the street and its simple robust form is intrinsic to its overall character and appearance. In view of the proposed position of the second floor extension towards to the rear of the site, it would not be visually conspicuous within the context of the street scene as a whole. However, for the reasons set out above, I believe the proposal would detract from the original character and form of the host property and consequently would not contribute to improving the overall appearance of the area generally.
12. I conclude that the proposed development would have a harmful effect on the character and appearance of Cornwall Works and the surrounding area. The proposal would conflict with the development plan and in particular policies CS5 of Barnet's Local Plan Core Strategy, 2012 (CS) and Policy DM01 of Barnet's Local Plan Development Management Policies, Development Plan Document, 2012 (DPD) which aim to ensure, amongst other things, that development in Barnet respects local context, preserves or enhances local character and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Furthermore, I find conflict with Policies 3.5, 7.4 and 7.6 of the London Plan which aim to ensure, amongst other things, that new housing should enhance the quality of local places and provide high quality design which is appropriate to its context.

Setting of Cornwall House

13. Cornwall House lies adjacent to the appeal site with its principal elevation facing towards Cornwall Works, which it is understood were constructed within the property's original grounds. The significance of Cornwall House is derived from its age, and as a remnant of the early development in this part of Finchley. It is an attractive 18th Century house with a shallow hipped roof and deep eaves. It displays an unusual curved flank/rear elevation but due to its orientation, high boundary wall and vegetation, views of its front facade are restricted. Over the last couple of centuries the surrounding area has been substantially developed and the setting of Cornwall House is now limited to its immediate formal garden area which is tightly enclosed by its boundary walls and the substantial neighbouring flank wall of Cornwall Works.
14. There would be limited inter-visibility between the appeal proposal and Cornwall House by reason of the proposed siting of the second floor addition at the rear of the appeal site and the presence of mature trees within the intervening neighbouring garden area of Cornwall House. The outlook from Cornwall House and from within its garden area is dominated by the high flank wall of Cornwall Works and the proposed roof extension would be recessed well back from this wall. Consequently views of the proposal from within the grounds of Cornwall House would be extremely limited and proposed extension would not impinge on the garden area which provides an enclosed and peaceful setting for Cornwall House.
15. I conclude that the appeal proposal would accord with the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990 and preserve the setting of Cornwall House. I therefore find no conflict with the development plan and in particular with Policy DM06 of the DPD and Policy 7.8 of the London Plan which seek to ensure, amongst other things, that all heritage assets are protected in line with their significance.

Other Matters

16. During the course of the appeal process the Council has granted planning permission on this site for the construction of a second floor level to provide a self-contained flat with a terrace and the provision of cycle and refuse store at ground level.¹ Both the main parties have had an opportunity to comment on the implications of this recent grant of planning permission for this appeal, so neither party has been prejudiced. The approved development is for a much smaller second floor addition than the appeal proposal, and as such is less dominant and the original character and proportions of the host building are more readily discernible. The approved development is not therefore directly comparable to the appeal proposal and does not alter my decision.

Conclusion

17. Although I have found that the proposed development would preserve the setting of Cornwall House, I have found that it would have a harmful effect on the character and appearance of Cornwall Works and the area generally. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR

¹ Ref. 16/5602/FUL