
Appeal Decision

Site visit made on 20 December 2016

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 13 January 2017

Appeal Ref: APP/N5090/W/16/3156576

'Car Wash', Moxon Street, Barnet, EN5 5TY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Tomaso against the Council of the London Borough of Barnet.
 - The application Ref. 16/2869/FUL, is dated 29 April 2016.
 - The development proposed is the demolition of the existing buildings and the construction of two buildings containing 9 flats and two commercial units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council has not submitted any formal concerns about the proposal however, given the comments made by consultees on the application, it appears to me that the main issues are the effect of the development proposed on the character and appearance of the area, including the Wood Street Conservation Area; and secondly the effect on parking provision in the area.

Reasons

Background

3. The appeal site comprises two conjoined parcels of land, one fronting Moxon Street and the other fronting Tapster Street, which lie on the edge of Chipping Barnet town centre and in the Wood Street Conservation Area. These two roads converge at a corner which contains a disused Royal British Legion hall and club which the appeal site surrounds. The site contains large warehouse/commercial garage type buildings and there is a more open frontage to Tapster Street with a forecourt used as a carwash and for parking.
 4. It is proposed to demolish the existing warehouse/commercial buildings and develop the land for residential and business purposes with two separate buildings: - Block 1 fronting Moxon Street - a three storey building comprising two commercial office units on the ground floor and three flats above, the upper floor being in the roof space and lit by dormer windows; and Block 2 fronting Tapster Street with 6 flats on three levels again with the upper floor in the roof space.
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Policy context

5. The development plan for the area includes the London Plan as amended, and the Barnet Local Plan Core Strategy (2012) and Local Plan - Development Management Policies Development Plan Document (DPD) (2012).

Effect on character and appearance

6. Dealing with the principle of the development first, there is no indication in the documents submitted with the appeal that residential or office redevelopment in this location is unacceptable for any policy reason. Further, the demolition of the existing buildings would, in principle, be a positive enhancement of the appearance of the Conservation Area. I noted at my site visit that there is new residential development on the eastern side of Tapster Street which appears to have been a redevelopment in a similar manner to that now proposed but this development lies outside of the Conservation Area.
7. Dealing first with the Tapster Street frontage, I consider that the form of the building proposed as Block 2 is appropriate for the area in terms of the size and bulk of the building and its design. Although it would be set back slightly from the road frontage this would accord with the present character of the street and the proposal makes provision for landscaping or a physical enclosure along the frontage to give some definition to the space in front of the new building.
8. I am also satisfied that Block 2 relates reasonably well to the Royal British Legion hall/club. Although this is shown on the drawing of the street-scape as existing I understand that planning permission has been granted for the rebuilding of the hall as two work units and the erection of two one bedroom houses on the corner plot and I have taken the general scope of this permission into account.
9. Turning now to the proposed Block 1 on the Moxon Street frontage, the overall height of the building is well related to the adjacent property of No.2 Moxon Street and there is a reasonable separation distance caused by the existing access. However, I am concerned about the design and appearance of the building when viewed from the north-east. The west facing side elevation has a traditional shaped gable and roof apex, however, because of the trapezium form of the footprint of the site, the east facing gable would be much wider resulting in a significant area of flat roof at the top of the roof. This would be an inappropriate and incongruous design which would detract from the character and appearance of the area.
10. Some of the impact of this built form may be screened by the development permitted on the neighbouring Royal British Legion hall/club site, but in the absence of a comprehensive assessment of these proposals with the appeal scheme I consider that the significant flat roof element and bulk of side gable would be prominent in views along Moxon Street from the east.
11. I conclude on this issue that the visual impact of Block 1 would harm and would not preserve or enhance the character and the appearance of the Wood Street Conservation Area and be contrary to policies DM01 and DM02 of the DPD as the form of building would not make a positive contribution to the Borough.

Provision of car parking for the development

12. In assessing this issue I have taken into account that the site lies in a sustainable location close to the town centre and that the Public Transport Accessibility Level (PTAL) shows that the site has moderate to good accessibility. I also note that the site falls within a Controlled Parking Zone (CPZ). The Council says that the redevelopment proposed gives rise to a maximum provision of seven parking spaces based on this level of accessibility but the proposal makes no provision for car parking on site as the buildings proposed utilise all of the space. However, I have not been advised that there is any capacity for on-street parking in the locality or that formal measures are in place to limit parking demand from potential occupiers of the new residential units.
13. I am therefore not satisfied that it has been demonstrated that the development will not give rise to additional parking pressure on local streets and as such the proposal, as it stands, conflicts with the provisions of policy DM17 of the DPD.

Planning Balance

14. Bringing together my conclusions on the main issues, I have found that while the redevelopment of the site could bring about an enhancement of the area, the scheme put forward would result in a design and scale of building facing Moxon Street which would detract from the character of the area. Further, this change would neither preserve nor enhance the character or the appearance of the Conservation Area but would materially harm this heritage asset. Although I judge that the harm would be less than 'substantial harm', in the context of paragraph 134 of the National Planning Policy Framework, it has not been shown that this is outweighed by the public benefits of development, including an optimum viable use. It has also not been demonstrated that the scale and nature of the development would avoid additional pressure on on-street parking capacity.
15. These adverse effects mean that the proposal does not accord with the provisions of the development plan that I have identified and overall I find that the proposal does not constitute 'sustainable development' when considered in respect of the NPPF when read as a whole.
16. I conclude that there are no other considerations which outweigh the conflict with policy and the identified harm that the proposal would cause.

Conclusion

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

David Murray

INSPECTOR