
Appeal Decision

Site visit made on 3 January 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 31 January 2017

Appeal Ref: APP/N5090/W/16/3160389
108-112A High Street, Barnet EN5 5XQ

- 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 Rand (Bourneheights Ltd) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/4348/FUL, dated 1 July 2016, was refused by notice dated 23 September 2016.
 - The development proposed is ground and first floor rear extension, plus roof extension to existing building to provide 8no. self-contained residential flats on first and second floors with associated amenity space, refuse and cycle storage. 4no. existing off-street parking spaces transferred to use by new residential units. Retention of existing ground floor class A1 retail use with remodelling of shop frontages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area bearing in mind it would be within the settings of the grade II listed 114-118 High Street and the Wood Street Conservation Area;
 - Highway safety and the free flow of traffic in the area.

Reasons

Highway Safety

3. This part of High Street and the streets nearby are within the Chipping Barnet Controlled Parking Zone (CPZ) where on-street parking is limited to residents and businesses with parking permits for the majority of the day. The Barnet Traffic and Development Team have advised the appeal proposal would require the provision of between six and eight parking spaces and I find no reason to question this.
 4. Policy DM17 of Barnet's Local Plan Development Management Policies Development Plan Document (2012) (DMPDPD) makes clear that applicants will be required to enter into a legal agreement to restrict future occupiers from obtaining on-street parking permits where residential development is proposed within a CPZ and where it can be demonstrated that there is insufficient capacity on-street. The proposed development would provide four parking
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spaces and thus would increase the demand for on-street parking in the area by two to four spaces. There is no substantive evidence before me which demonstrates that this demand could be met on-street.

5. I acknowledge that both main parties agree that the future occupants of the proposed development should be exempt from the ability to purchase parking permits and that this could be secured through a traffic order. I also note that the appellant agrees to contribute towards such and has paid the Council to prepare a Unilateral Undertaking (UU).
6. However, there is no executed deed in accordance with s106 of the 1990 Act before me and there is no substantive evidence to indicate that exceptional circumstances exist to justify imposing a planning condition which requires such. Furthermore, on the basis of the evidence before me I am not satisfied that the proposed UU would be effective or would comply with the strict terms of s106 of the 1990 Act consequently the proposed obligations may not be enforceable as planning obligations. Thus, I am not satisfied that effective measures are in place to ensure the occupants of the proposed dwellings would not obtain parking permits.
7. On my site visit, I observed a high demand for parking in the area with very few spaces available on nearby streets. Without any substantive evidence to the contrary, I find that insufficient on-street parking is available in the area to absorb the demand generated by the proposed development. Therefore without an appropriate mechanism in place to ensure the proposed development is parking permit free there would be a significant risk to highway safety and the free flow of traffic in the area arising from difficulties in finding a parking space, consequent extended journey times and potentially parking inappropriately.
8. Thus, I conclude the proposal would be harmful to highway safety and the free flow of traffic in the area. It would therefore be contrary to the aims of Policies CS9 and CS15 of Barnet's Local Plan Core Strategy Development Plan Document (2012) and Policy DM17 of the DMPDPD which seek to ensure appropriate parking provision and a safe and efficient transport network.

Character and appearance

9. The appeal site is within the Chipping Barnet Town Centre. The area includes a mixture of modern and traditional buildings of a variety of styles with significant variations in height. Thus, the area has a varied character and appearance.
10. The appeal proposal would involve refurbishment and extensions of a terrace of four properties to form eight dwellings and four retail units.
11. The proposed window openings would appear proportionate to the proposed building and the bronze panels would match the colour of the windows and add interest to the proposed front elevation. I acknowledge that the window openings on the second floor would be the same size as those on the first floor and the proposed building would be taller than the neighbouring properties.
12. However, the second floor would be set back behind a parapet wall detail and the change in height would be comparable to the change in height between other buildings nearby. In my view, the second floor set back would have the effect of making the windows on the second floor appear smaller at street level

and the additional storey appear subservient to both the appeal building and the neighbouring buildings. It would therefore not harm the significance or the setting of 114-118 High Street.

13. Even though the buildings on the opposite side of High Street are within the Wood Street Conservation Area (CA) and the proposed development would be of highly modern appearance, it would not appear out of place in a town centre location where the buildings nearby have a mixed character and appearance.
14. The proposed rear elevation would incorporate metal cladding. However, this would be viewed against large sections of brickwork and render. Whilst such cladding is not a common feature of the area, in my view it would be in keeping with and would add interest to the proposed modern development and would not appear out of place in an area where the buildings are finished in a range of materials of different colours and textures.
15. For these reasons, I find the proposed development would not harm the character and appearance of the area or the setting of the grade II listed 114-118 High Street or the setting of the CA. Thus the settings of the heritage assets would be preserved and in this regard the proposal would accord with Policies CS1 and CS5 of the CSDPD, Policies DM01 and DM06 of the DMPDPD and the Barnet Residential Design Guidance Supplementary Planning Document (2013), which taken together seek to achieve good design and ensure that new development does not harm the setting of heritage assets or the character and appearance of an area.

Other Matters

16. I have taken into account the benefit of additional homes in the area and the regeneration benefits of the scheme. However, these matters do not outweigh the harm I have identified.
17. I have also considered all other matters, including the accessibility of the proposed retail units, traffic and access to the proposed retail units for loading. However, as these matters do not influence my findings with regard to the main issues and I am dismissing the appeal for other reasons, I have not considered them in detail.

Conclusion

18. For the reasons set out above, although I have found no harm to the character and appearance of the area or the settings of heritage assets, I have found harm to highway safety and the free flow of traffic in the area. Thus, on balance the proposal is in conflict with the development plan and I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR