
Appeal Decision

Site visit made on 10 January 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 2nd February 2017

Appeal Ref: APP/N5090/W/16/3159880

Rear of 27 to 29 Daws Lane, Mill Hill, London, NW7 4SD

- 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 Ben Grant, Grant and Boyd Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/4095/FUL, dated 21 June 2016, was refused by notice dated 24 August 2016.
 - The development proposed is a three storey block of B1 ground floor unit and 4 flats at 1st and 2nd floors.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises a pair of two storey buildings fronting Daws Lane which include two commercial units at ground floor and flats above. There is a yard area and ancillary buildings to the rear which are reached via an existing access between Nos 25 and 27. The surrounding area is a mix of commercial and residential properties and is varied in character.
4. The proposal would see the demolition of Nos 27 and 29 which would be replaced by a three storey building incorporating an over-sailing bridge section that would adjoin No 25 at first and second floors above the existing access. The proposed building would also be attached to No 31 to the east. It would provide a commercial floorspace on the ground floor and four flats on the upper floors.
5. A previous scheme for the demolition of Nos 25 to 29 and the construction of a new three storey building to provide two retail units and eight flats was dismissed on appeal¹ in 2015. Since then, planning permission has been granted for a three storey rear extension at neighbouring No 25 which has not yet been built. The appellant advises that this was designed to match the existing extension at No 23 which was allowed on appeal² in 2009.

¹ APP/N5090/W/15/3035983

² APP/N5090/A/08/2083640

6. In terms of the front elevation to Daws Lane, the ridge height of the proposed building would match that of No 25, but would be some 0.9 metres higher than that of adjoining No 31. The Council also refers to the resultant differing heights of the parapet eaves level and considers that the roof scape pattern would appear awkward in the street scene.
7. That said, there is some variation in the heights and designs of the buildings on the north side of Daws Lane. Due to its rendered front elevation and architectural details, No 31 relates closely to Nos 33 to 37 further to the east which have a higher eaves and ridge line. Adjoining No 25 and the other properties to the west also have a higher ridge line which the appeal scheme would complement. In this context, and given that the height difference between the proposal and No 31 would not be particularly great, I am not persuaded that the appeal scheme would stand out as a particularly discordant feature on the row or upset the pattern of the roofs there to any great extent.
8. The proposal would include three first floor windows to each half of the building which would retain the appearance of two distinct terraced properties from the front. Although they would not be as tall as the windows on the buildings to either side, and would not replicate their arched headers and projecting cills, the windows would be of a similar width and commensurate positioning on the building. I am also mindful that, as things stand, the appeal building's existing fenestration pattern of five wider, squatter windows does not reflect the traditional architectural style of its neighbours.
9. On this basis, notwithstanding the previous Inspector's findings in relation to the front elevation of that more substantial scheme incorporating No 25, I am satisfied that the proposed first floor windows would provide a generally balanced and sympathetic appearance that would be in-keeping with the existing pattern of first floor windows on the row. Similarly, the proposed second floor dormers would be relatively modest in size and commensurate with those existing (and permitted) at Nos 21 to 25.
10. As such, and since the Council accepts that the building would generally appear as an acceptable and proportionate addition to the street scene, I consider the proposal to be satisfactory in these regards and am not convinced that it would cause any harm to the character or appearance of the Daws Lane frontage.
11. Turning to the rear of the scheme, I note that the building has been reduced in scale in relation to the previous proposal. There are a number of existing extensions to the rear of the properties fronting Daws Lane, including some at three storeys. No 29 already has a two storey rear extension with a pitched hipped roof and No 27 has a single storey flat roof rear addition which extends rearwards to the same extent as that addition at No 29. However, neither project significantly rearwards of the main three storey part of the host properties.
12. Adjoining No 31 has a two storey extension with a flat roof to the rear that drops to single storey with a conservatory style addition above in part. The pitched roof of the main part of No 31 is retained and the extension covers only some of the width of its rear elevation. The existing three storey extension at No 23 although considerable in height, is not to the full width of No 23 at first and second floor levels. The approved extension at No 25 includes a first floor extension to the whole width of the property but the second floor element is set in from the boundary with No 27 with a mansard roof to mirror that at No

23. No 21 on the end of the row also has a three storey rear extension that wraps round the rear of the property, but it is nevertheless relatively narrow and does not cover the entire extent of the rear of that host property.
13. This being so, for the most part these existing and permitted extensions are restricted in width. Those at Nos 23 and 25 also include elements of a traditional pitched roof in their mansard design, and that at No 31 is lower than the host property. Consequently they generally retain some sense of a subservient relationship to the host properties and are appreciated as offshoots that maintain the overall appearance of wings to the main parts of the buildings. As such, they are consistent with the piecemeal and fragmented appearance of the variety of rear additions that exist to the rear of the properties on the north side of Daws Lane.
14. In contrast, the appeal scheme would completely cover the rear of that half of the site currently occupied by No 29 with three storey development. This would extend well beyond the rear building line of No 29. Although it would align with No 31's rear offshoot, it would extend further rearwards than the back walls of the existing and approved extensions at Nos 23 and 25. Since it would be located above the access, the part of the building on that half of the site currently occupied by No 27 would not be as deep. However, it would still project beyond the appeal property's existing rear building line, and although incorporating a rear dormer feature, would also cover the full width of No 27.
15. I appreciate that the deeper part of the building to the rear of No 29 would accommodate the residential use on the upper floors. Even though the bridge section at No 27 would be set back from the full extent of the building at No 29, a good deal of the proposal would still project to a considerable depth into the site at three storeys. The resultant building would be large and bulky. Although the recessed balconies would break up the design of its rear elevation, the various projecting elements and fenestration pattern would do little to detract from the proposal's significant size and substantial massing.
16. I concur with the previous Inspector in the 2009 appeal who found the appearance of the rear of the buildings in Daws Lane to be highly varied with no distinct theme, and accept that the subsequently approved extensions have added to this variety. I also acknowledge that the rear of the appeal site can only be seen from very limited viewpoints. Even so, the proposal would be visible from the rear yard areas and ancillary outbuildings and to some degree from the rear of the nearby properties on the north side of Daws Lane.
17. At the rear, the proposed building would be much bigger than its neighbours and out of proportion with their narrow forms and more modest and traditional layouts. Thus it would be seen as an unduly dominant addition to the row that would overwhelm the appearance of the group of buildings and stand out as an incongruous and overbearing feature. Whilst I appreciate the appellant's view that the scheme would provide a more robust, uniform and cohesive appearance to the appeal site, to my mind this would be directly at odds with the more ad-hoc character and appearance of the immediate area that has developed intermittently over time. As such, the proposal would be out of step with the established form and layout of the buildings nearby, to the extent that it would undermine the existing pattern of development and fail to respond to its local context. That the site is not within a Conservation Area does not alter my view.

18. In terms of density, the parties agree that the proposal would exceed the recommended density in the London Plan's Sustainable Residential Quality Density Matrix. I appreciate that the London Plan seeks to optimise housing potential and does not preclude higher densities if local amenity and character are preserved. I also note that the density guidelines should not be applied mechanistically. However, this factor adds to my view that the proposal would be an overdevelopment of the site that would be out of character with the area.
19. I therefore conclude on this issue that the proposal would be harmful to the character and appearance of the surrounding area. It would be contrary to Policy CS1 of Barnet's Local Plan Core Strategy Development Plan Document (Core Strategy) which seeks the highest standards of urban design in order to generate development proposals of landmark quality and create an accessible, safe and attractive environment for people who live, work in, or visit Barnet's areas of housing and economic growth. It would also conflict with Core Strategy Policy CS5 which requires development to respect local context and distinctive local character and seeks to create places and buildings of high quality design.
20. It would be at odds with Policy DM1 of Barnet's Local Plan Development Management Policies Development Plan Document which advises that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets (criterion b). Additionally the proposal would fail to support the Council's Residential Design Guidance Supplementary Planning Document which seeks to ensure that the design of new residential development relates to its setting and local character, the proposed density is suited to the site and to the wider context, and the proposal responds positively to reinforcing or improving local character. Furthermore, it would undermine the core planning principle of the National Planning Policy Framework to always seek to secure high quality design.

Other matters

21. The Council raises no objection to the proposal in terms of its impact on the living conditions of nearby occupiers, or the standard of living accommodation that would be provided for future occupiers (subject to the imposition of a condition in relation to sound insulation). The absence of harm in these regards counts neither for, nor against the scheme.
22. The appellant considers that Nos 27 and 29 are in a poor state of repair and the appeal site represents an opportunity for redevelopment. He suggests that the Council is not meeting its annual housing delivery target and thinks the proposal would optimise the use of a brownfield site and provide much needed dwellings (as supported by the London Plan). Although these are benefits of the scheme, its contribution to housing land supply is limited by its relatively limited scale for four dwellings. The appellant also advises that the office element of the scheme could potentially accommodate 10 staff and would create an active frontage to complement the others in the row. Whilst these are further benefits of the proposal, they could equally be achieved by a less substantial scheme or the re-use of the existing ground floor units.
23. Thus, even taken together, these benefits are insufficient to outweigh the harm I have identified in relation to the main issue.

Conclusion

24. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR