

Appeal Decision

Site visit made on 6 February 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/N5090/W/16/3162447

Rear of 71-73 High Street, Barnet EN5 5UR

- 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 Pure Silver Management Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3468/FUL, dated 25 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is the erection of two storey detached building comprising of 2no. self-contained flats. Creation of 2 no. parking spaces, associated amenity space, refuse and cycle storage with access from Union Street.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development provided in the application form has been updated by subsequent documents. The revised description was agreed by the LPA and the appellant. I have therefore considered the proposal on the basis of the revised description.

Main Issues

3. The main issues are:
 - (i) whether the proposed development would preserve or enhance the character or appearance of the Wood Street Conservation Area; and
 - (ii) the effect on highway safety, with particular regard to the free flow of traffic and pedestrian safety.

Reasons

Conservation Area

4. The appeal site is located within the Wood Street Conservation Area (CA). The CA covers a wide area and, in my opinion, derives some of its significance as a designated heritage asset from the historic shops that line Barnet Hill, the impressive St. John the Baptist Church and the late Victorian villas around Ravenscroft Park. The Wood Street Conservation Area Character Appraisal Statement 2007 (the CAS), which is a material consideration, divides the CA into sub-units, with the appeal site being located within Area 3: Union Street.
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5. The appeal site is located to the rear of 71-73 High Street and the space is currently being used for access to the rear of the shops on the High Street and for car parking. Union Street is predominately residential in character, although there are a small number of commercial/retail units at either end. A number of examples of infill development within the wider area are also evident. In addition to two-storey residential dwellings, the area also has a number of purpose built blocks of flats, one of which directly overlooks the site.
6. Given the location of the appeal site within the CA, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (the Framework). At paragraph 131, the Framework details matters which should be taken into account including sustaining and enhancing the significance of the heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
7. Planning permission was refused for a similar scheme in March 2016¹ and the appeal proposal before me is an amended design of this scheme. The roof form incorporates a hipped roof and the overall footprint of the proposal has been reduced. As such, I recognise that the amendments are seeking to reduce the overall bulk and size of the scheme.
8. Given that the area surrounding the appeal site consists of flatted development, I consider that the proposal would not be out of character with the surrounding pattern of development. I also concur with the appellant that the appeal site is in a relatively poor state. In my opinion, the appeal site in its current state does not represent a positive feature within the CA.
9. Nevertheless, the proposal before me remains of a substantial scale, in terms of both height and mass. Due to the proximity to the neighbouring buildings, I do not consider adequate separation exists. As such, I do not find that the plot size is sufficient to accommodate a proposal of this scale without it appearing overly dominant or resulting in a cramped form of development.
10. In relation to design, I note that the proposed palette of materials would blend with the locality. However, the proposal as a whole lacks articulation and in the case of the northern elevation, is blank brickwork. Moreover, the proposal includes a variety of styles of fenestration which would result in an overall lack of cohesion. I therefore find that the proposal would represent poor design in this context.
11. It was evident from my observations, that views of the proposal from public vantage points would be very limited. However, the requirement for new development to preserve or enhance the character or appearance of the CA applies with equal force whether or not the proposal is prominent or available to public view.
12. The harm that I have found to the character of the CA would, in the context of the paragraph 134 of the Framework, amount to less than substantial harm. The Framework requires that where a proposal would cause less than

¹ Council Reference: 16/0606/FUL

substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. In this instance, the development would result in less than substantial harm due to its size compared to that of the CA as a whole. The need to provide housing within the Council's area would be a public benefit of the scheme. However this has to be balanced against the impact of the proposal on the heritage asset. For the reasons given, the proposal would be a disruptive addition to the CA and this harm would outweigh the public benefit that the provision of two dwellings would have.

13. The proposal would result in the over development of the site and as it would fail to achieve a good standard of design, would appear as an incongruous addition. Accordingly the proposal would fail to preserve or enhance the CA. The proposal is therefore contrary to Policy CS5 of Barnet's Local Plan Core Strategy: Development Plan Document 2012 (the CS), Policies DM01 and DM06 of Barnet's Local Plan Development Management Policies: Development Plan Document 2012 (the DMP), the London Borough of Barnet Local Plan: Supplementary Planning Document: Residential Design Guidance 2013 (the SPD) and the CAS. When taken together, these policies and guidance, amongst other things, require development to respect distinctive local character, including the appearance of surrounding buildings, and to preserve or enhance the character and appearance of the conservation areas.

Highway Safety

14. I acknowledge that the amendments made to the original scheme include the removal of the detached block of 2 garages. The garage block has subsequently been replaced with 2 car parking bays which would be located to the rear of the site, close to the proposed amenity space. The appellant has states that the manoeuvring space for the 2 car parking bays has also been increased.
15. Notwithstanding the amendments, concern has been expressed by the Council Highways Department that, by virtue of the width of the access road to the parking spaces being only approximately 2.4 metres in width, insufficient manoeuvring room within the space in front of the proposed parking bays remains. In turn, it is contended that this would result in on-street parking in an already congested area.
16. Union Street is a one-way street. I also observed that there are a number of parking restrictions in place on different sections of the highway. These restrictions include a single yellow line, where parking and waiting is prohibited at certain times of the day. Parking bays are available for the use of permit holders or for other users for a maximum duration of 1 hour Monday to Saturday between 08.00 and 18.30. During my site visit, which I appreciate only provides a snapshot in time, I observed that the street was heavily congested and there were no available parking bays.
17. The main parties dispute whether the submitted indicative layout for the parking bays and space in front of the bays would adequately cater for vehicle turning and manoeuvring. The evidence and plans before me are not sufficiently clear on the matter, such that it has not been demonstrated conclusively that adequate space would be provided.

18. As was evident during my site visit, I am aware that the appeal site is already used for parking. I noted that there were 3 parking bays which I understand are allocated to the adjacent penthouses. Whilst other cars were parked on the site during my visit, I am unable to confirm whether they were authorised to do so. Accordingly, it is possible that at least 3 other vehicles will be parked on the site which may add to the degree of conflict in regards of manoeuvring. I therefore find merit in the Council's view regarding the very high likelihood of on-street parking occurring by future occupiers. No evidence has been submitted which demonstrates how this could be discouraged or prevented from happening.
19. In this regard, I consider that the proposal would likely result in an increase in on street parking in the immediate area. Due to the limited availability of such parking, I find that this would be to the detriment of the free flow of traffic and would pose an unacceptable risk to both vehicle and pedestrian safety. The proposal would therefore conflict with Policy CS9 of the CS and Policy DM17 of the DMP. When taken together these policies seek, amongst other things, to ensure that development proposals take account of, and ensure that, local roads operate efficiently and safely.

Conclusion

20. For the reasons set out above, and having taken all other matters into account, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR