

Appeal Decision

Site visit made on 22 February 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/N5090/W/16/3162853
29 Union Street, Barnet EN5 4HY

- 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 Maras Group against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/7535/RCU, dated 4 December 2015, was refused by notice dated 23 September 2016.
 - The development proposed is the installation of replacement windows, insertion of eight rooflights and a blind dormer in the roof and erection of two juliet balconies to rear elevation (part retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the installation of replacement windows, insertion of eight rooflights and a blind dormer in the roof and erection of two juliet balconies to rear elevation (part retrospective) at 29 Union Street, Barnet EN5 4HY in accordance with the terms of the application, Ref 15/7535/RCU, dated 4 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1429, 2125.07, 2125.08, 2125.09 and 2125.10 C.
 - 3) No new windows shall be inserted into the east or south elevations of the building until details of their material and external finish have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. There remains disagreement between the parties as to the description of development and specifically whether or not purely retrospective planning permission is sought. I note from the evidence that some of the works that have been carried out are to be retained, but there is some to be altered going forward. To this end, I have sought the views of the appellant and the Council on a description that most accurately reflects the appeal before me. I have received no objections. This is reflected in the wording that I have used above.
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Application for costs

3. An application for costs was made by Maras Group against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Main Issue

4. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Wood Street Conservation Area (WSCA).

Reasons

5. The appeal building is large, detached and arranged over two storeys with rooms in the roof. It is mainly in brick with a smooth slate roof presenting a gable to the front. The frontage itself is painted render with pilasters, a wide pediment and a large central entrance doorway which all contribute to a grand impression. The centralised recessed date stone and symmetrical fenestration add further feature and sense of presence to the front elevation. These factors, coupled with its prominent positioning in the street scene and connection to local civic history mean that it makes a positive contribution to the character and appearance of the WSCA.
6. The windows to the front are to be retained as they have been inserted. These are finished in painted timber and recessed into their openings. Whilst the cill height to the first floor level has been reduced and the units are clearly new, from the evidence before me they utilise a very similar top hinged single central opener and narrow profile to the original. Their siting retains the balanced and largely symmetrical appearance of the front elevation and the use of a natural and traditional material is befitting of the building's age.
7. Whilst I accept that the openings introduced into the east elevation are wholly new, I come to the same conclusion as above on the material and style of the proposed frames. Vertical sliding sashes would be a traditional approach for what is a visually exposed elevation and would be an honest addition given the age of the building. The location of the four openings are off set in the context of where they feature in the large recessed brick panels but owing to them being vertically and horizontally aligned, this is not unduly harmful.
8. It is highly likely that the original building did not have either roof lights or a dormer. Nevertheless, this was with regard to its original use which has now changed over the passage of time. The roof lights are also horizontally aligned and of the conservation type which do not stand overly proud from the roof slope. The dormer is visible from the street albeit recessive to other features of the roof, covered in a material that matches it and read in the context of other smaller dormer style projections from the ridges of the terraced housing to the west.
9. The south elevation is completely obscure in the public realm but this does not mean a lesser approach should be taken to its treatment. To this end I note from the evidence that the mismatched style and location of the UPVC frames that have been inserted into this elevation would be rationalised into vertical sliding timber and matching profile bi fold doors. The openings would be positioned and proportioned in a more traditional hierarchical manner with simple glass Juliet balconies allowing visual permeability.

10. For the reasons set out above, I conclude that the development, both as it stands and proposed, would not be harmful and thereby would allow the character and appearance of the WSCA to be preserved. I do not therefore see any conflict with Policies DM01 and DM06 of the Development Management DPD¹, Policies CS1 and CS5 of the Core Strategy² or the Residential Design Guidance SPD³. Further, there would be no conflict with the principles set out by the WSCA Appraisal⁴.
11. These Policies, along with the guidance and principles set out by section 12 of the Framework⁵, seek to ensure, amongst other things, the appropriate protection, conservation and enhancement of the historic built environment.

Other Matters

12. I note concern that has been expressed over the use of a grass area that immediately abuts the east elevation of the appeal building by a number of groups associated with the local United Reformed Church. I accept that the new windows in the east elevation overlook this grassed area. However, the area in question is highly visible in the public realm and also overlooked by other buildings nearby. I also accept that there may be a degree of noise associated with any use of this area that residents of the appeal building may experience. Nonetheless, noise is likely to be during the day and limited to the extent that it would unlikely amount to a disturbance.
13. I am therefore satisfied that there would not be any adverse effect on the living conditions of either existing or future occupiers of land or buildings. It is also relevant to state that the use of the building has been established and is not therefore a matter before me. For this same reason I am unable to make an assessment of whether or not the provision for car parking is appropriate for the development.
14. My attention is drawn to an appeal decision in respect of Number 9 Union Street⁶, also in the WSCA. Here, the Inspector dismissed a scheme for the erection of a two storey rear extension, roof conversion, rear dormer and a roof light to the front. I have had sight only of the decision. It was in respect of a two storey mid terraced house which is not the same as the scheme before me which I have considered on its own merits with regard to its own context. As such this example carries only limited weight in my findings.

Conditions

15. I have regard to the conditions suggested by the Council. In the interests of clarity and enforceability, I have made some changes. These are reflected, where relevant, in the wording that I have used.
16. As well as the standard time condition, I have specified the approved plans. The plans show in detail the proposed window design for the east and south elevations but confirm the material for the east only. Precise detail of the external finish (colour) is not specified in either respect. As such I have included a condition requiring the agreement of the precise material and finish

¹ Barnet's Local Plan (Development Management Policies) Development Plan Document (2012)

² Barnet's Local Plan (Core Strategy) Development Plan Document (2012)

³ Local Plan Supplementary Planning Document: Residential design Guidance (2013)

⁴ Wood Street Conservation Area Character Appraisal Statement (2007)

⁵ The National Planning Policy Framework (2012)

⁶ Planning Inspectorate Ref APP/N50902/D/15/3013615

for the new windows in the east and south elevations to ensure that they are appropriate. I am satisfied this could be agreed prior to the windows being installed.

Conclusion

17. For the reasons and subject to the conditions set out above, the appeal is allowed.

John Morrison

INSPECTOR