
Appeal Decisions

Site visit made on 27 September 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 24 November 2017

Appeal A – Appeal Ref: APP/N5090/17/3178955

The Manor House, 2 Totteridge Common, Whetstone, London N20 8NL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Russell Park against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/0993/LBC, dated 17 February 2017, was refused by notice dated 13 April 2017.
 - The works proposed are summerhouse to rear garden and restoration of historic wall.
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Appeal B - Appeal Ref: APP/N5090/17/3178957

The Manor House, 2 Totteridge Common, Whetstone, London N20 8NL

- 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 Russell Park against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/0992/HSE, dated 17 February 2017, was refused by notice dated 13 April 2017.
 - The development proposed is summerhouse to rear garden and restoration of historic wall.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. In the interests of conciseness and clarity, I have dealt with both appeals together in my reasoning.

Main Issues

4. The main issues are therefore the effect of the proposal on the special interest, including the setting, of the Manor House, which is listed grade II, together with the wall, which is within its curtilage, and whether the character or appearance of the Totteridge Conservation Area would be preserved or enhanced.

Reasons

5. The Manor House is a grade II listed building which is set within its own grounds. Dating from around 1760, it is a two storey brick building, incorporating attics within the hipped roof. It is an attractive example of a

house of some status, and appears to be relatively unaltered since it was built. The mapping evidence indicates that the building was previously known as the Manor House Farm, underlining the functional relationship between the house and its garden. The presence of the remaining section of garden wall suggests that the plot would have been used to grow produce, as well as providing a private leisure space for the occupants. The historic form of the house and the wall remain clearly legible. These factors all contribute to the significance of the listed building.

6. The setting of a heritage asset is defined in the National Planning Policy Framework (the Framework) as the surroundings in which the heritage asset is experienced. Elements of the setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral. The garden contributes positively to the setting of the Manor House in terms of its spatial qualities. The interrelationship of the wall and the house also contributes to the understanding of the historic layout of the plot and the close link between the garden and the main building.
7. I agree with the Council's position that there may be scope in principle for some form of garden building, and I acknowledge that a structure previously existed in association with the wall. However, there is little evidence of its form, appearance or purpose, and so it does not provide a direct precedent for the appeal proposal.
8. The development would create a new octagonal summer house on an area of scrub land close to the end of the historic wall. A new section of brick wall would be built on the line of the historic wall, mirroring its dimensions. The new wall would wrap around the back of the new summer house to form its rear elevation. Whilst I acknowledge the reasons for this choice of location, and the design approach taken, I am concerned that the introduction of a sizeable garden building within this historic context would be a significant intervention.
9. Given its location, complex design, and scale, particularly in proportion to the historic wall, the new summerhouse would form an unduly assertive addition to the garden. Furthermore, understanding of the historic form of the wall and its current contribution to significance as the focal element within the garden would be harmed by this assertiveness and the consequent loss of distinctiveness of the historic fabric.
10. Whilst it would be smaller than the previous proposal, the development would nonetheless dominate the wall and garden area. As a result, it would disrupt the visual relationship between the wall and the listed building, and erode the ability to appreciate their functional relationship to each other. The appellant argues that the development would be less dominant in relation to the main house due to the intervening distance, and that tree screening would lessen its visual impact. Nonetheless, these factors would not overcome my concerns about the overall acceptability of the scheme, in particular its impact on the historic wall. I therefore find that the setting of the listed building would be unduly harmed by the proposal.
11. Accordingly, the proposal conflicts with the overarching statutory duty on the decision maker, as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving a listed

building or its setting, or any features of special architectural interest it possesses. In addition, it would fail to comply with Policy DM06 of Barnet's Local Plan Development Management Policies Development Plan Document (DMP), which seeks to protect heritage assets, and DMP Policy DM01, insofar as it requires that all development should represent high quality design. It would further conflict with Policy CS1 of Barnet's Local Plan Core Strategies Development Plan (CS), which amongst other things seeks the highest standards of urban design, and CS Policy CS5, insofar as it aims to ensure that development in Barnet respects local context.

12. Although serious, the harm to the heritage asset in this case would be less than substantial, within the meaning of the term in paragraph 133 of the Framework. Paragraph 134 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. I sympathise with the appellants' wish to provide a habitable structure in the garden whose orientation would allow the enjoyment of direct sunshine. However, this would be a private benefit, and so can be afforded little weight in planning terms. The restoration of the historic wall would clearly represent a public benefit. However, this could be achieved independently of the appeal scheme, which limits the weight I can attribute to it.
13. Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and any harm requires clear and convincing justification. However, the public benefit does not outweigh the harm I have identified to the heritage asset.
14. My attention has been drawn to a case in West Sussex where planning permission and listed building consent were granted for new extensions to a listed wall. However, the full circumstances of this case are not before me, and so I am unable to be certain that it represents a direct parallel to the scheme before me. In any event, each case is to be considered on its own merits.
15. I recognise that thought has gone into the preservation of the nearby trees on the site, and that aspirations of scale were reduced in the light of relatively positive, but non-binding, pre-application advice. However, these circumstances have not led me to a different conclusion.
16. The appeal site is located within Area 5 of the CA, as set out in the Totteridge Conservation Area Character Appraisal Statement (CAS). The key characteristics of Area 5 include the low density of housing, comprising a scattering of large houses set in spacious and secluded grounds. The CAS highlights the extensive grounds which served to distance one house from its neighbour. The appeal site and its generous plot are typical of this prevailing form of development in the area. These spatial attributes, in conjunction with the historic and architectural qualities of the listed building, make a positive contribution to the significance of the CA.
17. Notwithstanding my concerns regarding the impact of the scheme on the listed building, the scale of the proposed development would be small within the context of the extensive conservation area and would not be visible from public viewpoints. Taking both these factors into account, I am satisfied that the character and appearance of the CA would be preserved, thereby satisfying the statutory requirement, the Framework and the development plan policies, as referred to above, in that regard.

Conclusion

18. Whilst the proposal would not harm the character or appearance of the conservation area, I have found that it would unduly harm the setting of the listed building. I therefore conclude that both appeals should be dismissed.

Elaine Gray

INSPECTOR