



Appeal Decision

Site visit made on 16 September 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2019

Appeal Ref: APP/N5090/D/19/3232866

Holwood House, Nan Clarks Lane, Mill Hill, London, NW7 4HH

- 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 Nick Fisher against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1486/HSE, dated 11 March 2019, was refused by notice dated 8 May 2019.
 - The development proposed is alterations to existing roof including removal of pitched tile roof and overhanging soffits. Demolition of outbuilding to rear garden. Formation of new flat roof over ground and first floors incorporating new parapets. Demolition of the side bay windows and storerooms and first floor rear extension. Single storey rear extension. Ground floor side and rear infill extension and erection of a new plant room, first floor rear extension incorporating balcony. Replacement of existing cladding with render and brickwork, replacement of existing windows and doors with aluminium. Changes to fenestration to aluminium double-glazing units and alterations to balustrading of Juliet balconies.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - whether the proposed development would preserve or enhance the character or appearance of the Mill Hill Conservation Area, including its effect on protected trees.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Policy 7.16 of the London Plan (2016), Policy CS7 of Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012) (Core Strategy) and Policy DM15 of Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012) (DMP) seek to protect Green Belt land and are consistent with the Framework in this

- regard. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, paragraph 145 of the Framework sets out a limited number of exceptions, including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
4. The 'original building' is defined by the Framework as a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally. Thus, the comparison in assessing disproportionality will be between the building as first built and the building as proposed to be extended, together with those extensions constructed since the building was first built.
 5. The Framework does not provide any detailed guidance on how to determine whether an extension is 'disproportionate'. However, the Councils Local Plan Supplementary Planning Document: Residential Design Guidance (October 2016) (SPD) provides guidance around the extent of extensions in the Green Belt and states that as a guiding principle the volume of the original dwelling should not be increased by more than 25% by external measurement in order to protect openness.
 6. The Council stated that the dwelling has previously been extended and such extensions exceeded 20% of the original building volume and this does not appear to be in dispute however, I have been provided with no details about such extensions or information about the size and extent of the original dwelling. I note the planning history set out in the Councils delegated report however, it is stated in the report that planning permission reference W07625B/01 and H/04907/10 which related to extensions, were not implemented.
 7. It is stated that the proposed extensions would increase the volume of the dwelling from 1742m³ to 1885m³, an increase of around 8%, albeit it is not clear whether this is based on the size of the original dwelling. Further, that the demolition of an existing outbuilding and extension means that the proposed single storey side and rear extension would therefore only result in an increase in 64sqm. I also note that the proposed removal of the hipped roof would reduce the overall volume of the building.
 8. On the basis of the submitted evidence, I cannot be certain of the size of the original dwelling nevertheless, I am conscious that despite the guiding principle set out in the SPD, the judgement about proportionality is ultimately a matter for the decision maker, with much being dependent upon circumstance. A conclusion cannot be derived purely from a function of arithmetic, or from consideration of a single factor, but the test is primarily an objective one based on size, as referenced by the Framework.
 9. Holwood House is a relatively substantial dwelling, in this context whilst the proposed and previously erected extensions may cumulatively exceed the 25% guide set out in the SPD, on the basis of the evidence before me and my site observations, bearing in mind the reasonably limited scale of the proposed additional mass relative to the overall scale of the dwelling, I consider that the scale of the additional built form would not be disproportionate to the host dwelling.
 10. I therefore conclude, despite a technical breach of the size thresholds set out in the SPD, that the development proposed would not result in disproportionate

additions over and above the size of the original building. As such it is not therefore inappropriate development in the Green Belt and there would be no conflict with Policy 7.16 of the London Plan (2016), Policy CS7 of the Core Strategy, Policy DM15 of the DMP or the Framework.

11. Consequently, as the effect of development on openness is not expressly stated as a determinative factor in gauging inappropriateness, in respect of extensions or alterations to a building, there is no requirement to assess the impact of the development on the openness of the Green Belt.

Conservation area

12. Holwood House is a large detached 1960s, award winning, modernist building set in extensive grounds surrounded by mature, established, attractive trees and hedgerows. The appeal site is located within the Mill Hill Conservation Area and is covered by a Tree Preservation Order (TPO).
13. The conservation area derives its significance in part from institutional buildings, particularly religious institutions and schools, interspersed with clusters of modest houses, along a long linear route of the high ground known as The Ridgeway. The conservation area is generally quiet and is typical of a number of small villages in a countryside setting.
14. As stated in the Mill Hill Conservation Area Character Appraisal Statement, trees and planting make a very important contribution to the character and appearance of the conservation area and add to its rural and open character. The green boundaries of informal planting and woodland trees that surround larger properties are also important. The appeal site includes a number of mature trees which make a substantial and positive contribution to the character and appearance of the Conservation Area as recognised by their inclusion in the TPO.
15. The Council has previously granted planning permission for the majority of the works included in this proposal (ref: 18/7356/HSE) and I agree with their conclusion that the removal of the hipped roofing and reinstatement of parapets and a flat roof would bring back a large element of the character of the 1960s modernist building. The Council therefore confined their assessment of the proposal in respect of this main issue, to the proposed single storey side and rear extension. I see no reason to take a different approach in considering the appeal.
16. The proposed extension would be located to the side of the dwelling closest to Nan Clark's Lane. Views of the house are largely limited by mature trees, shrubs and hedgerows which surround the site, with such views being limited to glimpses of the front elevation from the access with and glimpses through the trees and vegetation from Nan Clark's Lane. As such being single storey, the proposed extension would not be prominent in wider views.
17. I have had regard to the submitted Tree Survey and Arboricultural Method Statement (AMS) and note that there are 3 mature trees and groups of large shrubs close to the proposed extension, all of which offer screening to the site. On the basis of the submitted plans and my site observations, the root protection areas (RPA) of trees T3 and T4, a category C Horse Chestnut with a life expectancy of at least 10 years and a category B Yew tree with a life

expectancy of at least 20 years, would be in close proximity to the proposed extension.

18. The proposal does not include the removal of the trees however, it seems to me that there would be construction impacts associated with the erection of the proposed extension. Whilst the AMS provides general information about how development can be constructed to avoid harm to trees, it provides no specific guidance about what construction methods should be used in respect of the proposed extension, having regard to the location of protected trees, or indeed confirmation that the development could be carried out without causing harm to those trees. Further, neither the Tree Survey nor AMS show the RPAs in relation to the proposed extension, with the Tree Protection Plan attached to the AMS showing tree protection fencing where the proposed extension would be constructed. As such, I cannot be certain that the Tree Survey or AMS have taken into account the development proposed.
19. I have had regard to those matters which the author of the AMS suggested could be dealt with by conditions. However, in the absence of specific detail about what construction techniques should be incorporated and where, having regard to advice in the Framework and Planning Practice Guidance, I conclude that it would not be possible to construct conditions which would be reasonable, precise or enforceable.
20. The proposed extension would project from the rear elevation of the dwelling by a reasonable distance and would be relatively narrow with a flat roof form. Large areas of glazing would face into the site and its overall appearance would be contemporary, which would respond to and respect the character and appearance of the dwelling. Given the scale of the existing dwelling I find that the overall proportions would not appear incongruous. Consequently, the proposed extension would cause no harm to the character and appearance of the existing dwelling.
21. However, there is insufficient information to enable me to conclude that the proposed development could be carried out without causing harm to a number of prominent trees, the loss of which would significantly detract from the overall appearance of the site and conservation area.
22. Given the scale of the proposal within the context of the Conservation Area as a whole, I consider the harm to be less than substantial. Nevertheless, I am mindful that in the Framework paragraph 193 says great weight should be given to the conservation of a designated heritage asset and any harm to such assets should require clear and convincing justification.
23. Paragraph 196 states that where a proposal would lead to less than substantial harm to the significance of such an asset, that harm should be weighed against the proposal's public benefits. This requires a balancing exercise of harm against the public benefits of the proposal.
24. Whilst the proposal would bring back a large element of the character of the 1960s modernist building, on the basis of the evidence before me, those improvements, as previously approved by the Council, would be carried out whether or not the proposal subject of this appeal was approved, as such this does not outweigh my findings above.

25. Consequently, the public benefits do not outweigh the great weight that I am required to attach to the heritage asset's conservation. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the conservation area, with particular regard to protected trees, contrary to Policies CS5 and CS7 of the Core Strategy and Policies DM01 and DM06 of the DMP which together seek development to preserve or enhance the character and appearance of conservation areas and to protect trees and hedgerows. It also fails to accord with national policy which seeks to conserve and enhance the historic environment. Given the conflict with the policies of the development plan and Framework, the development cannot therefore be considered sustainable development in accordance with the Framework.

Other Matters

26. Third party representations have been received which raised concerns about loss of light however, given the distance from the site boundaries and the nearest neighbouring properties, I find there would be no harm to living conditions in respect of daylight and sunlight matters and note that the Council found no harm in this regard.

Conclusion

27. For the reasons given above, having regard to all other matters raised, the appeal is dismissed.

Felicity Thompson

INSPECTOR