



Appeal Decision

Site visit made on 7 October 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

Appeal Ref: APP/N5090/W/19/3233593

La Boucherie, 4 Cat Hill, Barnet EN4 8JB

- 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 La Boucherie Holdings Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/5969/FUL, dated 14 September 2018, was refused by notice dated 28 March 2019.
 - The development proposed is demolition of existing building and erection of a six storey mixed-use building with retail (A1 Use) at ground floor level and 18no. self-contained units (C3 Use) with basement car park. Provision of refuse/recycling storage and cycle parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A signed and dated Unilateral Undertaking (the UU), which secures a monetary contribution towards the cost of replacement tree planting, is before me. The Council has confirmed that they were involved in the drafting of the UU and that it is in a form acceptable to them. I shall therefore determine the appeal on the basis that the Council's second reason for refusing planning permission, which relates to the absence of a legal agreement, no longer applies. I shall return to the UU later.
3. The Major of London's new Draft London Plan (2017) is currently at an emerging stage. Where the content of relevant policies has been substantiated in the evidence before me, I have given them limited weight in my consideration of this appeal. This is because their content may yet change prior to becoming part of the development plan.

Main Issue

4. The main issue is the effect upon the character and appearance of the area.

Reasons

5. The appeal site is currently occupied by a part single and part two storey property that addresses, and is accessed from, both Cat Hill to the northwest and Eton Avenue to the southeast. The site is situated on the edge of East Barnet Village, a designated shopping area, and a range of retail and other commercial uses exist in proximity to the site. There is also a strong residential presence in the site's vicinity. A variety of dwellinghouses and

flatted properties are in place. Whilst buildings are generally set at relatively low heights, their form, ages, uses and styles vary such that a mixed character and appearance is in evidence.

6. Land levels upon and surrounding the site vary. Indeed, a gradual upward slope can be observed to both Cat Hill and Eton Avenue as one moves along either route in an approximate north-eastern direction. Whilst the existing building on site is low-rise, it sits immediately alongside a 9-storey residential block of flats (Desmond House) that is situated on slightly higher ground comparative to the site. This neighbouring building, which was in the process of being re-clad when I visited the site, is noticeably taller than other built form in the locality, takes the form of a solid rectangular block and appears as a particularly prominent feature.
7. The proposed building, when compared to Desmond House, would be of lower height and of reduced scale, bulk and mass. However, these comparisons are drawn against a single building located within a wider area generally typified by development ranging from 2 to 4 stories in height. The proposed building would be 6 stories in height and cover a substantial footprint. Notwithstanding the differences in land levels I have observed, the building would appear as a large and conspicuous built addition at a prominent location in proximity to various publicly accessible routes.
8. The appeal scheme would be viewed in the same context as Desmond House. Indeed, views of the newly proposed building would, from various viewpoints, be restricted by virtue of its presence. Nonetheless, particularly when exiting East Barnet Village, the proposal would be seen and experienced alongside various noticeably lower and smaller-scale developments situated to the opposing sides of both Cat Hill and Eton Avenue. Whilst these developments are separated from the site due to the highways that are in place and the scheme would be viewed against the backdrop of Desmond House when exiting East Barnet Village, a built environment of prevailing low-scale is readily observable. This is even when factoring in the presence of other blocks of flats on Cat Hill.
9. I acknowledge that various elements of the building's design would assist to some extent in reducing its bulk and mass. Indeed, the building would recess in width as its height increases and curved elevations would help guard against the building appearing as a solid block of development. I also note that lightweight materials including aluminium cladding and glazing would be utilised and that visual interest would be provided to each elevation. However, whilst I appreciate the desire to create a statement building on this site and acknowledge the aim to transition in height between Desmond House and other developments in the locality, an unduly dominant and overbearing form of development is proposed.
10. The existing building on the site already occupies a relatively substantial footprint across the site and does little to contribute to the quality of the built environment, being utilitarian in its design. Nevertheless, its limited scale and simplistic form allow it to discreetly blend in with its surroundings. This would not be the case with respect to the appeal proposal before me. In taking this view I acknowledge that, prior to this appeal, the scheme evolved in response to comments and concerns raised by the Council at pre application stage.

However, it remains the case that the proposed building, due to its significant scale and height, would not suitably reflect the makeup of its surroundings.

11. The appellant has referenced planning permission¹ recently granted by the Council at a site elsewhere in the Borough for blocks of development of increased height when compared to existing buildings on and around the site in question. From the evidence before me, that site was considered to represent a self-contained estate that had its own defined layout and character and was different from the pattern of development in the surrounding area. I do not consider that the same arguments apply in this case, not least because a comprehensive redevelopment of a large site that entails multiple new blocks of development is not under consideration here. Indeed, the site in question, even if considered in conjunction with Desmond House, does not appear as a separate self-contained estate. It is instead made up of a relatively small area of land that reads as a component of its wider surroundings.
12. I also note that various other examples of buildings at height within the Borough have been put before in the interests of seeking to demonstrate that tall and modern buildings are not an anomaly. Whilst I accept this to be the case, I note that each scheme referred to is materially different to the proposal that is before me. Furthermore, when compared to the appeal proposal, each is situated within a different part of the Borough. For the avoidance of doubt, I must consider the proposal based on its own individual merits and in accordance with the site-specific circumstances to hand.
13. For the above reasons, the proposal would cause harm to the character and appearance of the area. The proposal conflicts with Policies 7.4 and 7.6 of the London Plan (2016), Policy CS5 of Barnet's Local Plan Core Strategy (September 2012) and Policy DM01 of Barnet's Local Plan Development Management Policies (September 2012) in so far as these policies require that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Other Matters

14. The UU secures, should planning permission be granted, the contribution of £49,369 towards the cost of replacement tree planting to reflect the amenity value of trees to be lost as part of the proposed development. Indeed, trees of value would be compromised by virtue of the intended construction works. It is apparent from the evidence before me that a Capital Asset Value for Amenity Trees (CAVAT) has been calculated with respect to each of the trees expected to be lost in line with the Council's relevant supplementary planning guidance. The main parties to this appeal have agreed the contribution and I have no reason to disagree that this represents an appropriate level of provision. I too am satisfied, from the evidence before me, that the UU is fit for purpose.
15. I have noted objections raised by interested parties with respect to matters including car parking and the effect upon neighbouring living conditions. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

¹ Ref 18/7495/FUL

16. The proposal would introduce additional and reconfigured retail floor space at ground floor level, which would support the vitality and viability of a designated local shopping frontage. This benefit is however tempered when noting the presence of an existing retail operation at the site such that I afford the benefit relatively limited weight.
17. Furthermore, the proposal would deliver 18no. flatted residential units and the National Planning Policy Framework (February 2019) reaffirms the Government's objective of significantly boosting the supply of homes and states that decisions should promote an effective use of land. Whilst the scheme represents an effective use of land, a relatively modest number of units is proposed when considered in a Borough-wide context. Thus, this benefit attracts moderate weight.
18. I also acknowledge that a low-carbon and energy efficient development would be anticipated, particularly as a green roof and photovoltaic panels are proposed to be installed. Furthermore, the green roof and any associated soft landscaping would be expected to deliver limited ecological benefits.
19. Having considered the benefits and adverse impacts of the scheme before me, I conclude that the above contributions would not outweigh the significant harm identified to the character and appearance of the area. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

20. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR