



Appeal Decision

Site visit made on 12 November 2019

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/N5090/C/19/3229602

11 Grange Avenue, London N20 8AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr D Morris against an enforcement notice issued by the Council of the London Borough of Barnet.
- The enforcement notice was issued on 18 April 2019.
- The breach of planning control as alleged in the notice is the construction of a front gable and first floor front extension without the use of the approved materials (as shown in the attached Plan 1).
- The requirements of the notice are:
 1. Demolish the front gable and first floor front extension;
 2. Rebuild in accordance with the drawing 1579-PL-06 Rev_C of the approved plans for application reference 18/1342/HSE dated 09/02/18 using materials similar to that of the existing buildings (as highlighted in Plan 1).
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b) (c) and (f) of the 1990 Act as amended.

Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Application for costs

1. An application for costs was made by Mr D Morris against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

The appeal on ground (b)

2. In order to succeed on a ground (b) appeal the appellant must show on the balance of probability that the matters stated in the notice have not occurred as a matter of fact.
3. Planning permission has been granted for front and rear extensions to the appeal property¹. The permission was subject to a condition requiring the development to be constructed in accordance with the approved plans. A further planning application to vary the plans condition of the original permission, to enable the use of render in parts of the scheme, was refused². Construction has commenced and I saw that the front gable and first floor front extension have been constructed from concrete blocks, which are built virtually flush to the adjoining walls of the development.

¹ Ref 18/1342/HSE dated 30 April 2018.

² Ref 19/0491/S73 dated 27 March 2019.

4. It appears from the method of construction, and the 2019 planning application, that the intention was to finish these elements of the development in render. The appellant maintains that no render has been applied and brick slips could be used as an alternative facing material. Nonetheless, the allegation involves the construction of the front gable and first floor front extension without the use of the approved materials. These elements have been constructed from concrete blocks and are not faced in the approved brick materials. The fact that they could be faced in brick slips at some point in the future is not relevant to this ground of appeal, which concerns the development at the date of the notice.
5. The facts show that the extensions had not been built using the approved materials at the date the notice was served. Hence, the matters alleged have occurred as a matter of fact. Therefore, the appeal on ground (b) must fail.

The appeal on ground (c)

6. In order to succeed on a ground (c) appeal the appellant must show on the balance of probability that the matters stated in the notice do not constitute a breach of planning control.
7. The appellant argues that there has been no breach as far as the development has been implemented. The development could be completed using brick slips that it is claimed would have the same appearance as standard bricks. Whether or not this would be the case is not a matter for consideration. At the date of the notice, and at the time of my site visit, the development had not been built in accordance with the approved plans. Hence, the matters stated in the notice constitute a breach of planning control. Therefore, the appeal on ground (c) must fail.

The appeal on ground (a) and the deemed planning application

Preliminary Matter

8. The appeal on ground (a) is that planning permission should be granted for the matters stated in the notice. As the terms of the deemed planning application are derived from the allegation, planning permission is sought for the construction of a front gable and first floor front extension without the use of the approved materials.

Main Issue

9. The main issue is whether the development preserves or enhances the character or appearance of the Totteridge Conservation Area.

Reasons

10. The appeal property is a relatively large detached house set within a spacious plot, which is located in a predominantly residential area. The Totteridge Conservation Area comprises a ribbon of development clustered along the highway. It is set within green fields on three sides, sloping down to Dollis Brook to the north and Folly Brook to the south, giving these parts of the borough a distinctive character³. The appeal property is within the Grange Avenue Character Area, which is described as one of several inter-war and post-war suburban cul-de-sacs which has a distinctive and pleasant character.

³ Totteridge Conservation Area Character Appraisal Statement (adopted May 2008).

11. I saw from my site visit that the houses along Grange Avenue differ in terms of design but their architectural style is complementary. This leads to a cohesive form of development which reflects the distinctive vernacular character of the wider Conservation Area. Brick is the predominant building material, although the use of render is also evident.
12. I consider that the significance of this part of the Conservation Area, insofar as is relevant to the matters before me, to be derived from the design and form of the houses and the regular pattern of development.
13. The appeal property is a substantial, extended dwelling. The extensions reflect the architectural style and form of the original building with hipped roofs and neo-classical elements, which are common in the locality. The use of render in the front facing and projecting extensions would contrast with the brickwork but it does not follow that contrast equates to harm. Differing materials can work successfully by breaking up facades and adding interest to elevations, providing this is carried out in a sensitive manner.
14. In this case, the form and scale of the gable and first floor extension ensure the extensions assimilate successfully. The use of render would highlight these features but they would still be seen as part of the composition of the front elevation. Render is not an uncommon facing material in the vicinity or the wider Conservation Area. I do not consider that its use in this instance would cause the extensions to stand-out as an uncharacteristic feature.
15. I find that the development as alleged in the notice would have a neutral effect on the significance of this part of the Conservation Area, as a designated heritage asset, and would not have an adverse impact on the host dwelling or the street scene in general.
16. I have considered whether a condition is necessary to enable the Council to approve a scheme for the materials, however, I do not think this is necessary in the circumstances. The appellant may either comply with the requirements or apply render, the effects of this have been considered above. It is unlikely that any other material would be used.

Conclusion

17. Given the above I conclude that, on balance, the development would preserve the character and appearance of the Totteridge Conservation Area. This would satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 192 of the National Planning Policy Framework and would not conflict with Policies CS NPPF and CS5 of the Core Strategy⁴ and Policies DM01 and DM06 of the Local Plan⁵ that seek, among other things, to ensure sustainable development, and promote high quality design that reflects local distinctiveness while protecting the significance of the borough's heritage assets.

Conclusion

18. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on ground (f) does not therefore need to be considered.

⁴ Barnet's Local Plan (Core Strategy) DPD (September 2012).

⁵ Barnet's Local Plan (Development Management Policies) DPD (September 2012).

Formal Decision

19. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of a front gable and first floor front extension without the use of the approved materials on land at 11 Grange Avenue, London N20 8AA referred to in the notice.

Debbie Moore

Inspector