
Appeal Decisions

Site visit made on 21 November 2019

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27th February 2020

Appeal A: APP/N5090/W/19/3219733

42 Golders Green Road, Golders Green, London NW11 8LL

- 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 Mrs Fatma Cakir against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/5741/FUL, dated 25 September 2018, was refused by notice dated 5 December 2018.
 - The development proposed is a rear extension.
-

Appeal B: APP/N5090/Y/19/3220284

42 Golders Green Road, Golders Green, London NW11 8LL

- 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 Mrs Fatma Cakir against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/5740/LBC, dated 25 September 2018, was refused by notice dated 5 December 2018.
 - The works proposed are a single storey rear extension.
-

Decisions

1. Appeal A is allowed and planning permission is granted for a rear extension at 42 Golders Green Road, Golders Green, London NW11 8LL, in accordance with the terms of the application Ref 18/5741/FUL, dated 25 September 2018, and the plans submitted with it, subject to the conditions set out in the Schedule annexed to these decisions.
2. Appeal B is allowed and listed building consent is granted for a single-storey rear extension at 42 Golders Green Road, Golders Green, London NW11 8LL, in accordance with the terms of the application Ref 19/0477/LBC, dated 28 January 2019, and the plans submitted with it.

Main Issue

3. The main issue in both appeals is the extension's effect on the special interest of the listed building and on the character and appearance of the conservation area.

Reasons

4. The appeal relates to a restaurant that forms part of a long parade of shops and food outlets that faces onto the busy Golders Green Road. The parade

forms the ground floor of Cheapside, which is a long, mainly three-storey building, the upper floors of which contain apartments. To the rear, the ground floor units, and many access stairs to the apartments, open onto a narrow service street named Golders Way.

5. Cheapside dates from immediately before the First World War and is listed Grade II. Frontage buildings on both side of Golders Green Road and the outbuildings on the opposite side of Golders Way have been included within the Golders Green Town Centre Conservation Area.
6. Planning permission¹ and listed building consent² were granted in 2018 for a small flat-roofed single-storey extension to the rear of the restaurant to provide an office and store. The appellant states that in constructing the approved development, alterations had to be made to the footprint to avoid an existing manhole. The rear wall of the extension as built has been pulled back into the site from the edge of the footway by some 1.5m, to create a bin storage area, while the side wall forms a slight angle with the rear wall. Planning permission and listed building consent are now sought for the extension in this form.
7. The previous approvals confirm that there is no objection in principle to an extension of this scale and function. But the Council opposes the current submissions on the grounds that the extension forms an incongruous addition to the building. No objection is raised to the treatment of the flat roof. The officer reports, on which the Council relies to support its appeal statements, state there is no conservation objection to the location of the refuse containers. Therefore, the nub of the Council's concern appears to relate to the extension's angled corner.
8. As outlined by the list entry, the special interest of the listed building is as an excellent illustration of the application of a Vernacular Revival/Arts and Crafts style to urban-scale development. This is particularly apparent in the relatively intact treatment of the upper floors and roofscape of the Golders Green Road front. The list entry notes that due to change over time, none of the shopfronts retains any special interest. A similar picture is found to the rear. The upper floors retain some original character, expressed by the regular rhythm of projecting wings with hipped roofs and strongly defined chimney stacks and by paired first-floor lean-to porches reached by flights of steps. But at ground floor level, the original treatment has been radically affected by a vast range of different forms of extension and alteration. The Council notes that many of these were carried out before the building was listed, and therefore they reflect its heritage interest at that time.
9. The Council's published Conservation Area Appraisal ('CAA') confirms the importance of the listed building as part of the set-piece retail heart of the town centre. The CAA rightly notes that Golders Way has the feeling of a private service road rather than a public street, and mentions the design of service buildings on the opposite side of the service road, but makes no reference to the quality of the rear extensions to the listed parade.
10. The appeal development is very modest in scale. As part of a very long sequence of disparate rear extensions its impact on the appreciation of the

¹ Ref 18/1108/FUL

² Ref 18/1109/LBC

listed building and on the character of the conservation area is very limited. I agree with the Council that the form of extension previously approved, with a square end taken right to the edge of the site, would have provided a sound response to the immediate context, making some reflection of the squared end to the rear of No.44 and of the taller adjoining extension to the rear of No.40. But it is not clear that this square form was an important element of the original design, as many such extensions along the street appear to be later in date, or that symmetry, even between shared pairs, was critical to the design concept. The extension's failure to match the opposing extension does not undermine the strength of character of the listed building. The introduction of a splayed corner is not typical, but the previously approved plans also included a splayed entrance door, albeit set slightly further back into the site. The Council does not object to the set-back from the street edge. Taken as a whole, the extension as built has minimally different effect from the earlier approved form, which the Council found acceptable.

11. For the above reasons, I find that the extension preserves the special interest of the listed building and the character of the conservation area. There would be no conflict with the statutory duty in these regards or with national policy set out in the National Planning Policy Framework. The proposal would comply with Policy CS NPPF of Barnet's Local Plan Core Strategy ('CS'). There would also be no conflict with the heritage protection objectives of Policy 7.8 of the London Plan ('LP'), of CS Policy CS5 and of Policy DM06 of the Barnet's Development Management Policies ('DMP'). The design of the extension would not be out of keeping with local character and would accord with LP Policies 7.4 and 7.6 and DMP Policy DM01 in this respect.

Conditions

12. The Council has proposed a number of conditions to be applied in the event of the appeals being allowed, to which the appellant has not objected.
13. As the development has already been completed, conditions suggested for both appeals on commencement time, compliance with approved plans and matching materials are not necessary as they would no longer be enforceable. The other conditions are relevant only to Appeal A for planning permission and not to Appeal B for listed building consent. A condition restricting the use of the extension as ancillary to the use of the shop unit is necessary to prevent subdivision of the unit without proper assessment of the implications for access and amenity. The restriction of use of the roof to maintenance access only and not for sitting out is necessary to prevent unanticipated adverse effects on nearby living conditions. The enclosure and screening of the bin storage area and the approval of the collection point are necessary to prevent future adverse effects on the street scene. As the development is in place, the timescale for the submission of details of a suitable solution and later implementation needs to be amended from the Council's draft.

Conclusion

14. For the reasons set out above, I conclude that both appeals should be allowed, and planning permission granted subject to conditions and listed building consent without conditions.

Brendan Lyons INSPECTOR

Annex

Appeal A: APP/N5090/W/19/3219733

42 Golders Green Road, Golders Green, London NW11 8LL

Schedule of conditions Nos. 1-3

1. The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the ground floor unit of the main building and shall not at any time be occupied as a separate unit or dwelling.
 2. The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
 3. Within three months of the date of this decision, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers, together with a satisfactory point of collection, shall be submitted for approval in writing by the Local Planning Authority. Within three months of such approval, the enclosures and screening shall be implemented in accordance with the details as approved and shall be retained as such thereafter.
-