
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: 2nd March 2020

Appeal A: APP/N5090/W/19/3230176

Old Forge Cottage, Holcombe Hill, Mill Hill, London NW7 4ES

- 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 S Hume against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1284/HSE, dated 20 July 2018, was refused by notice dated 3 June 2019.
 - The development proposed is described as the addition of a timber and double-glazed garden room.
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Appeal B: APP/N5090/Y/19/3219774

Old Forge Cottage, Holcombe Hill, Mill Hill, London NW7 4ES

- 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 S Hume against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/4533/LBC, dated 20 July 2018, was refused by notice dated 10 October 2018.
 - The works proposed are described as the addition of a timber and double-glazed garden room.
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Decisions

1. Both Appeal A and Appeal B are dismissed.

Preliminary matter

2. The planning application that has given rise to Appeal A was an identical resubmission of an earlier application¹ that had been refused by the Council. The application for listed building consent in Appeal B was submitted with that earlier application. Both appeals relate to the same form of extension.

Main Issues

3. The main issue in both appeals is the effect of the proposed extension on the special interest of the listed building and on the character and appearance of the conservation area.
4. A second issue in Appeal A is whether the proposed extension would amount to inappropriate development harmful to the Green Belt.

¹ Ref 18/4532/HSE

Reasons

5. Old Forge Cottage principally comprises a two-storey cottage of eighteenth century date. It also includes part of a single-storey wing that once contained a forge and which links to another cottage now known as The Old Forge. The group is listed Grade II and stands within the Mill Hill Conservation Area.
6. Planning permission and listed building consent are now sought for the addition of a single-storey garden room to the rear of Old Forge Cottage. The extension would have a polygonal plan, some 4.25m in width and projecting a maximum of 3.55m from the outside wall of the house, which here forms part of a two-storey flat-roofed extension to the original hipped-roof cottage. The extension's walls would mainly be full height glazing in timber frames, and there would be a flat roof with a raised octagonal glazed lantern, to a maximum height of 3.6m.

Listed building and conservation area

7. In considering proposals for alteration to a listed building, statutory duty² requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. A similar duty applies in respect of the preservation or enhancement of the character or appearance of a conservation area³. National policy set out in the National Planning Policy Framework ('NPPF') confirms the great weight in favour of the conservation of 'designated heritage assets' such as listed buildings and conservation areas⁴. The particular significance of any element of the historic environment likely to be affected by a proposal should be identified and assessed⁵. Any harm should require clear and convincing justification⁶.
8. In this case, the special historic interest of the listed group derives from its age, and its evidence of the surviving form of the cottages and forge, which would have been an important service building in the formerly rural area. Its architectural interest lies in its simple vernacular style and natural materials, and in the picturesque manner in which the row of buildings climbs the rising ground. Old Forge Cottage, with its pyramidal hipped roof and wide chimney stack, provides a visual stop to the row at the top of the slope.
9. The Council's published Conservation Area Character Appraisal Statement explains that the character and appearance of the widely drawn conservation area are defined by the survival of many originally rural buildings, together with later prosperous houses availing of the location at the outer edge of London, some of which have been absorbed by institutional uses. The green space adjoining the appeal site is noted as a remnant of former meadow, and the group of buildings is identified as a local landmark. The buildings make a positive contribution to the area's heritage significance.
10. The appeal site is cut into the sloping ground, with its main garden raised considerably above the level of the house. The proposed extension would be sited on a confined paved area enclosed by hedges and fences. Because of its

² Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, dealing respectively with applications for proposed works and proposed development

³ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁴ NPPF paragraph 193

⁵ NPPF paragraphs 189, 190

⁶ NPPF paragraph 194

closeness to the boundaries, the plot layout would appear rather cramped. The polygonal plan form would appear as a forced response to the constraints of the site rather than an optimal design solution derived from the form of the listed building.

11. Because of its flat roof, the earlier two-storey extension does not provide a particularly appropriate form of addition to the original cottage. But seen at close range, the treatment of its painted walls, windows and doors appears reasonably sympathetic to the modest character and simple details of the original cottage. By contrast, the appeal proposal would be elaborate in form and detail, with a moulded cornice and formal octagonal roof that would not accord with the vernacular tradition of the cottage. The scale of the extension would also appear rather dominant against the modest proportions of the existing house, with very tall doors, the roof raised just below first floor sill level, and the glazed lantern rising by a further 0.9m. Despite the proposed use of painted masonry and timber frames, the extension would not preserve the special interest of the listed building.
12. Due to the topography of the site, public views of the extension would be very restricted, although it appears that its upper parts would be seen from the neighbouring Floral Cottage, which sits at a higher level. The impact on the appearance of the conservation area would be limited. However, the character of a conservation area relies on the quality of its important heritage buildings. Harm to the special interest of a listed building would be inherently harmful to the character of the conservation area.
13. The Council's officer report, on which it relies for these appeals, refers to paragraph 195 of the NPPF which relates to substantial harm to the significance of a designated heritage asset. The Planning Practice Guidance advises that substantial harm is a high test⁷, and the courts have accepted that it would require a serious impact by which very much of its significance would be lost⁸. That would not be the case here, where the principal building would remain intact. The level of harm to the significance of each of the designated heritage assets would be less than substantial.
14. The officer report also concludes that as there would be 'demonstrable harm' the proposal should be rejected. But NPPF policy⁹ requires a balancing of harm against the proposal's public benefits. Here, the appellant argues that the extension would be beneficial because it would add extra living space with improved daylighting, and thus make the property more sustainable in the future. Investment in the fabric of a listed building that would help to ensure its preservation in the long term can constitute a public benefit. But it has not been shown that the appeal proposal would fall into that category, or that the existing viable use of the cottage as a modest dwelling is at any risk. The harm would not be outweighed by public benefits.
15. The proposal would not comply with national policy on the application of the statutory duty on the conservation of heritage assets. Hence it would not comply with Policy CS NPPF of Barnet's Local Plan Core Strategy ('CS'). There would also be conflict with the heritage protection objectives of CS Policy CS5 and of Policy DM06 of Barnet's Development Management Policies ('DMP'). The

⁷ PPG Historic Environment, paragraph 018

⁸ Bedford BC v SSCLG and Nuon UK Ltd [2012] EWHC 4344 (Admin)

⁹ NPPF paragraph 196

proposal's poorly resolved relationship with the existing building would also bring it into conflict with the more general design objectives of CS Policy CS1 and DMP Policy DM01. The above conflicts would significantly outweigh any national policy support in principle for the effective use of land, or any enhanced security that the extension might offer, which could be provided by other means.

Green Belt

16. The site lies within the Green Belt. National policy set out in the NPPF confirms the great importance of the Green Belt, whose fundamental aim is to prevent urban sprawl by keeping land permanently open¹⁰. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances¹¹. The erection of new buildings is to be regarded as inappropriate but for certain limited defined exceptions, which include the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building.
17. DMP Policy DM15 echoes NPPF policy¹² in general, and specifically in respect of extensions¹³. The Council refers to its Residential Design Guidance Supplementary Planning Document ('SPD'), which states that buildings in the Green Belt should not be extended by more than 25% in order to preserve openness.
18. In this case, the Council calculates that the volume of the original cottage has already been increased by some 38.4% due to the existing two-storey and part single-storey extensions. The addition of the appeal proposal would represent a further increase, up to some 62.8% greater than the original size. This would be a very significant increase. As well as the absolute addition in size, the proposal would significantly alter the shape of the dwelling, by its irregular prominent form and by its location planted onto an earlier extension. It would result in disproportionate additions to the original building, and hence would be an inappropriate form of development.
19. The existing footprint of the extended cottage aligns with the rear of The Old Forge. The proposed extension would break that line, and would fill most of the small amenity space to the rear of the cottage, reducing the space between it and Floral Cottage. There would be a minor adverse effect on openness of the Green Belt as a result.
20. The proposal would therefore be contrary to national policy and to DMP Policy DM15, as well as to the general commitment to protect the Green Belt set out by CS Policy CS7.

Conclusions

21. For the reasons set out above, I conclude that both appeals should be dismissed.

Brendan Lyons INSPECTOR

¹⁰ NPPF paragraph 133

¹¹ NPPF paragraph 143

¹² The policy refers to paragraph numbering of the previous edition of the NPPF, but the effect is unchanged

¹³ DMP Policy DM15 (a) (iv)