



Appeal Decision

Site visit made on 19 March 2020

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 March 2020

Appeal Ref: APP/N5090/C/19/3236199

Land at 289 Regents Park Road, London, N3 3JY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Inwest Group Ltd against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice, numbered ENF/0707/18, was issued on 25 July 2019.
 - The breach of planning control as alleged in the notice is without planning permission the construction of a single storey front and side extension and a rear extension.
 - The requirements of the notice are: 1) demolish the front and side and rear extensions; 2) restore the building back to the state it was in prior to the works taking place, as shown in plan No's. 201904/RPR/RE/01 Pre existing plans and 201904/RPR/RE/03 Pre existing elevations from application 19/2675/RCU.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Background to the Appeal

2. The appeal premises are a restaurant, standing on the west side of Regent's Park Road within the Finchley Church End conservation area. It occupies an attractive Victorian looking building of yellow London brick with red brick detailing and a carved wooden gable fascias. It seems it would have once been a modest residential villa. The building is detached and stands somewhat isolated from its neighbours. To the north is an open space, possibly a car park, in front of the Pardes House school, a locally listed building. To the south is a much more substantial building, again possibly Victorian, painted white. Opposite, on the other side of the road are modern flats, set back in their own grounds and partially screened from view by trees. The result is the appeal building stands out as very much a one-off in the street with a distinctive presence.
3. The building is set back from the road frontage up a few steps and originally there was an outdoor sitting area in the small courtyard formed between the building and the pavement. The appellants have installed a conservatory structure, made of steel and glass to enclose this courtyard. The conservatory is wider than the building and extends to the south by a couple of meters. The

southern side boundary is a tall fence with a sort of lean-to structure which appears to provide a covered side passage to a rear sitting area.

The Appeal on Ground (a)

4. The area is accurately described as busy and noisy, but that does not detract from the positive effect the host building has on the street scene. It is also very much a mixed commercial and residential area, with some modern buildings. But the somewhat isolated position increases the value of the building to the quality of this part of the conservation area. While I can fully understand the motivations of the appellant to increase their dining area and provide covered outdoor seating, the conservatory structure is particularly large compared to the building itself. It dominates the façade and appears to be entirely out of scale. It compromises the relationship of the building to the street and causes harm to the character and appearance of the conservation area.
5. Simply because the conservatory improves the restaurant's offer does not mean that considerations of aesthetics can be set aside. In this case the harm to the building itself and the wider conservation area is important.
6. There is also a subsidiary issue concerning the extra noise generated by creating an all year round seating area to the front, on the first floor flat which has windows directly above. It is quite possible this could be dealt with by a condition, but I have no evidence for this. If it proved impossible to effectively deal with any noise issue then a condition would have no effect as permission would already have been granted. This is an issue that would need to be sorted out before the conservatory was put in place.
7. For these reasons the development is contrary to the Council's policies DMO1 and DMO4 to encourage good design and protect residential amenity and CS5 and DMO6 to protect heritage assets. The appeal on ground (a) fails.

The Appeal on Ground (f)

8. The side and rear elements of the development largely seem to be confined to the opaque covering of the mesh fence that runs down the side boundary to the rear of the property. There was, according to the plans, an 8 foot timber fence on this boundary, but there are now retractable opaque coverings over the rear sitting area and the side boundary. The appellant argues the Council are only concerned with the front conservatory and these other elements are not mentioned in the officer's report.
9. I am not so sure this is the case as the report refers to all the structures. I do not know what the site looked like before the development and the 8 foot fence would be obvious. However, currently, the side structures are clearly visible from the street, from where they look scruffy and somewhat ad-hoc. The rear area is not visible from the street and in any case would have much less of a direct impact on the conservation area.
10. I also have the same concerns about the rear seating area as the front. The retractable roof will have the effect of prolonging use of the area and inevitably generating extra noise. It is possible this could be controlled by conditions, but none have been suggested and this is something that needs to be considered in advance. It maybe the case that a satisfactory scheme for the side and rear

can be devised, but one is not before me and that is a matter between the appellant and the Council in the first instance. The appeal on ground (f) fails.

Simon Hand

Inspector