
Appeal Decision

Site visit made on 20 January 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2020

Appeal Ref: APP/N5090/W/19/3239811

Rear of 71 High Street, Barnet EN5 5UR

- 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 Mr P Raniga (Puresilver Management Ltd) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/3880/FUL, dated 9 July 2019, was refused by notice dated 10 September 2019
 - The development proposed is demolition of existing single storey commercial building and erection of part single storey, part 2 storey building to provide office (B1a) accommodation with 6 parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Wood Street Conservation Area (CA) and;
 - the effect of the development on the living conditions of neighbouring properties with particular regard to privacy and outlook.

Reasons

Character and appearance

3. The site is to the rear of High Street within the CA. It is accessed via a narrow entrance from Union Street, between buildings on the corner of High Street and a single storey gabled spiritual church facing Union Street. Within the appeal site is a dilapidated single storey building. Its replacement with a two-storey structure providing ground floor office and first floor residential accommodation was approved in April 2018 (ref: 18/0306/FUL).
4. The CA is centred around Wood Street but covers a wide area. The Wood Street Conservation Area Character Appraisal Statement adopted July 2007 (CAS) divides the CA into sub-groups, with the appeal site being located within Area 3 – Union Street. The CAS identifies that Union Street's character, and thereby significance, is in part derived from the mainly Victorian buildings,

- modest in scale and appearance, laid out in a tight grain with a strong building line, of 18th and early 19th century street layout.
5. The appeal site is in a back-land setting surrounded by high walls and built development. The immediate vicinity is a mixture of commercial and residential uses. Extensions, additions and mainly ancillary buildings are set to the rear of principal buildings which face High Street. These rear structures are largely subservient in height and design.
 6. Limited views of the appeal site can be gained at the access point to the site from Union Street. From here the proposed two-storey building would be visible. In these views the appearance of the proposed development would not be markedly different to that of the approved scheme.
 7. Nevertheless, the proposed building would take up a large proportion of the depth and width of the plot. It would be located close to the site boundaries and its mass would appear substantial due to its flat parapet roof design, proximity to boundaries, overall footprint and large areas of unrelieved brickwork. Although the range of buildings in this back land setting includes both flat and pitched roofed buildings the footprint, configuration, mass and design of the proposed development would be at odds with the ancillary character and linear plots associated with the High Street frontage and the form, siting and design of the more generously spaced development to the rear of Union Street.
 8. Consequently, I consider that the building would appear as an over development of the site and an incongruous addition to its immediate surroundings. Therefore, the building would not preserve or enhance the character or appearance of the CA.
 9. I conclude overall that the proposed development would conflict with Policies DM01 and DM06 of Barnet's Local Plan (Development Management Policies) Development Plan Document September 2012 (Local Plan) and Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document September 2012 (Core Strategy). These policies collectively seek to ensure that development proposals are based on an understanding of local characteristics, respect the appearance, scale, mass, height and pattern of surrounding buildings and protect and enhance heritage in line with their significance. The development would also conflict with paragraphs 7.4 and 7.6 of the London Plan which seek among other things to ensure that development has regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass. In this regard the scheme would also conflict with chapter 12 of the National Planning Policy Framework (the Framework).
 10. The CA is a designated heritage asset as defined in the Framework. Paragraph 193 states that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. The harm I have identified in the context of the Framework would be less than substantial. The Framework requires that less than substantial harm be weighed against the public benefits of the scheme.
 11. I acknowledge that the proposed building would provide employment opportunities in an accessible location, would contribute in a small way to the

vitality and viability of the town centre by providing accommodation for employment close to it. I also acknowledge that the design of the building would employ sustainable design and construction standards including a sedum roof. However, whilst I agree that these benefits are important, they would not outweigh the less than substantial harm I have identified to the significance of the CA.

12. In reaching my conclusion above, I have taken into account that planning permission has already been granted for a scheme which establishes the principle of development on around half the appeal site. However, this does not alter my view that the larger proposal before me would be unacceptable.

Living conditions

13. The commercial premises fronting on to Union Street have first floor living accommodation above with windows facing the site at relatively close proximity. The part two storey blank, brick elevation of the proposed north elevation of the building would be located adjacent to the boundary. Because of its height and proximity to the boundary the proposed building would be a dominant and imposing structure when viewed from the adjacent first-floor rear windows. I appreciate that not all these windows serve habitable rooms. Nevertheless, the location of the building would have a significant and overbearing impact on the outlook from the windows and would reduce daylight and sunlight into them, to the detriment of the occupier's living conditions.
14. The front elevation of relatively new three storey dwellings with external walkways, front doors and windows are located to the west of the appeal site. These properties together with the rear of dwellings fronting Union Street are designed around a private courtyard which provides car parking and external clothes drying area. Along this joint boundary the building would be part single and part two storeys in height. The ground floor of the proposed building would be largely obscured by the existing boundary wall. However, the first floor would be visible above the wall and three windows would be in this first-floor elevation.
15. Taking into account the space between buildings, I am satisfied that the living conditions of the adjacent properties to the west would not suffer significantly reduced daylight, sunlight or outlook as a result of the siting of the building. However, I consider that the position and size of the proposed windows, coupled with their proximity to the boundary would result in overlooking of the courtyard area. The siting of the windows would intrude into a private domestic space and would be detrimental to the living conditions of the existing properties.
16. Consequently, I find that the development would harm the living conditions of neighbouring properties with particular regard to privacy and outlook. This conflicts with Policy CS5 of the Core Strategy, Policies DM01 and DM02 of the Local Plan and Supplementary Planning Document (SPD) Residential Design Guidance October 2016 and Local Plan SPD Sustainable Design and Construction October 2016, in so far as these policies and guidance seek to ensure development is designed to safeguard privacy and outlook for adjoining occupiers of the site.

Conclusion

17. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR