



Appeal Decision

Site visit made on 14 July 2020

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

Appeal Ref: APP/N5090/C/19/3240592

22 Gilbert Grove, Edware HA8 0HL

- 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 Mr Vegeun Boick against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice was issued on 3 October 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission the construction of an outbuilding in the front of the property.
 - The requirements of the notice are:
 1. Demolish the outbuilding in the front of the property.
 2. Permanently remove all constituent materials resulting from the works in 1. above from the property.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice be varied by the deletion of 2 months as the period for compliance and its substitution with 4 months. Subject to this variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

The ground (a) appeal

2. The main issue in the ground (a) appeal is the effect of the development on the character and appearance of the area, including the Watling Estate Conservation Area in which the appeal site is situated. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
3. The area is characterised by blocks of 2 storey terraced homes set back behind private front gardens. The single storey outbuilding which is the subject of this appeal is of a considerable size and sits significantly forward of the established front building line of the street. It is clearly seen from the street, particularly when travelling south up Gilbert Grove where the profile of its sloping roof is obvious. As a consequence of its size, position and design, it has a dominant impact which is detrimental to the street scene.

4. My attention has been drawn to a neighbouring building, said to have been built without planning permission, at No 13 Thirleby Road. But I do not find comparison with this structure helpful. In my judgement, its presence is not a good enough reason to allow the appeal development which is before me and it serves to illustrate the harm to the character and appearance of the area which may be caused by such structures, particularly when sited close to the street.
5. The appellant has suggested a condition requiring a green sedum roof for the appeal building. But this would not mitigate the harm identified above and I am not satisfied this would be preferable to the land being kept as an open hard surface, as has been suggested by the appellant.
6. Given the size and scale of the appeal development I consider it causes less than substantial harm to the character and appearance of the conservation area. Nevertheless, any harm to the significance of a designated heritage asset requires clear and convincing justification and in accordance with paragraph 196 of the National Planning Policy Framework, I must weigh the harm against the public benefits of the proposal.
7. The appeal scheme increases the amount of accommodation available to occupants of the appeal site. However, in my view this is not a public benefit of sufficient weight to outweigh the harm to the conservation area. I conclude the appeal development harms the character and appearance of the area including the Watling Estate Conservation Area. So it does not comply with the heritage policies of the Framework, Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 or the Residential Design Guidance Supplementary Planning Document 2016 in this regard.

The ground (g) appeal

8. The appellant considers 2 months is too short a period to comply with the requirements of the notice. The requirements of the notice are straightforward and there is no reason to believe the period specified in the notice falls short of what is reasonable, under normal circumstances. However, the Council has stated it is happy for me to use my discretion in terms of the period for compliance.
9. Since the appeal was lodged a public health emergency relating to COVID-19 has begun with consequential effects in some cases on the speed with which notices may be complied with. For that reason I am extending the compliance period to 4 months and this is the period requested by the appellant. I consider this is reasonable in the circumstances to comply with the requirements of the notice. As such the appeal on ground (g) succeeds to this extent.

Conclusion

10. For the reasons given above I conclude that the appeal does not succeed. I uphold the enforcement notice as varied and refuse to grant planning permission on the deemed application.

L Perkins

INSPECTOR