
Appeal Decision

Site visit made on 15 July 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

Appeal Ref: APP/N5090/D/19/3243268
Century House, Camlet Way, Barnet EN4 0NJ

- 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 and Mrs R Jones against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/5418/HSE, dated 2 October 2019, was refused by notice dated 3 December 2019.
 - The development proposed is described as the relocation of access point and gates onto property.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are a) whether the proposed development would preserve or enhance the character or appearance of the Monken Hadley Conservation Area; and b) whether or not the proposed development would be inappropriate development in the Green Belt.

Reasons

The Monken Hadley Conservation Area (MHCA)

3. The appeal site is a large detached dwelling, set back from Camlet Way and accessed via a short shared road which also provides access for Grove End House and the adjacent primary school. Set in a substantial plot, the dwelling is almost completely screened from public views by dense tree planting between Camlet Way and its frontage. This type and depth of tree cover is reflective of that which characterises Monken Hadley Common. The common is, according to the MHCA appraisal, an attractive green woodland which stretches along the built up area from High Barnet to Cockfosters. It is the last remaining fragment of the former Enfield Chase, which was elsewhere enclosed during the 18th Century. The Common was originally part of the Royal Forest. As well as having significant historical importance therefore, the common and its associated woodland contributes positively to the visual characteristics of the MHCA, garnering a verdant parkland setting to the appeal site.
4. The existing vertical timber entrance gates to Century House enjoy a secluded location, largely inconspicuous in the street scene. Abutting as they do the

side elevation of a building of some substance in itself. They are recessive and largely tucked into the boundary tree cover.

5. The relocated gates would be in a much more prominent position and with the intended splay added, they would draw the eye. Views of this particular area are, in my opinion, particularly sensitive given not only the historic woodland setting but also that they would be from a large open amenity area and not just limited to passing vehicles. Whilst being of largely the same appearance, the siting of the gates would rely on the removal of a not insignificant number of trees which would reduce the characteristic woodland cover by a significant degree. I note that there is an intention in the scheme for there to be replacement planting to 'plug' the gap left by the existing access. As admirable as this would be, it would not make up for how noticeably the existing continuous tree belt across the frontage of Century House would be interrupted and, in any case,, replacements would take some time to become as established and integrated as the existing situation.
6. Taking this and the above into account, the proposed development would be harmful to the MHCA. Given the scale of the appeal scheme, I would be content to consider the harm less than substantial. As per paragraph 196 of the Framework¹, I am required to balance this harm against the public benefits of the proposals.
7. The evidence does not set out any public benefits to the proposals, nor can I see any there would specifically be. The harm would not therefore be outweighed. With this and the above in mind, the scheme would fail to either preserve or enhance the character or appearance of the MHCA. Accordingly, this would conflict with the aims of Section 16 of the Framework as well as Policy CS5 of the Core Strategy², Policies DM01 and DM06 of the Local Plan³ and Policies 7.4 and 7.6 of the London Plan 2016. Amongst other things, these policies seek to ensure that new development is of a high quality design which is appropriate to its context, respects distinctive local character, protects heritage assets in line with their significance and has regard to the form, function and structure of an area.

Inappropriate Development and Openness

8. Paragraph 145 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. As per paragraph 143, such is harmful to the Green Belt by definition. Section 336 of the Planning Act 1990 explains, amongst other things, that a 'building' includes any structure or erection. I am therefore content to consider the erection of the entrance gates and all they would entail as that of a building. Paragraph 145 goes on to say that there are exceptions to the 'general rule'. Amongst other things, this can be the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
9. In the case of the appeal scheme, this would be the effective relocation of an existing set of timber gates. Being the same type, size and design I am satisfied that the new building in this case would not be materially larger than

¹ The National Planning Policy Framework 2019

² Barnet's Local Plan: Core Strategy 2012

³ Barnet's Local Plan: Development Management Policies 2012

the one it would replace. The proposed development would not therefore be inappropriate development in the Green Belt. It would be in accordance with the Framework in this respect as well as Policy CS1 of the Core Strategy. Amongst other things, these policies seek to protect the characteristics of the Green Belt from harm through resisting inappropriate development.

10. Since I have found that the appeal scheme would not be inappropriate development in the Green Belt. I am not required to assess its impact on the openness of the Green Belt.

Other Matters

11. The appellant mentions that the trees forming the front boundary to Century House were planted following the completion of the dwelling circa 2001. Whilst therefore not of significant age in themselves, and as I have explained, they nonetheless contribute positively to the character and appearance of the MHCA.

Conclusion

12. I have found that the appeal scheme would not be harmful to the Green Belt. This would be a lack of harm which, by definition, is incapable of weighing against it. As such, it would not make up for how the proposed development would fail to preserve or enhance the character or appearance of the MHCA. It is for this reason that the appeal is dismissed.

John Morrison

INSPECTOR