
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: 10 August 2020

Appeal Ref: APP/N5090/W/19/3241056

Kingmaker House, Right Ground Floor, Station Road, New Barnet, Barnet EN5 1NZ

- 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 Kingmaker Properties LLP against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1285/FUL, dated 31 January 2019, was refused by notice dated 20 September 2019.
 - The development proposed is described as the extension of Kingmaker House at roof level, to the front and to the rear to create new residential accommodation, including the recladding of the existing building, landscaping, parking and other works associated with the development.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal building is a multi storey former office block set back from and facing north towards Station Road. There is a car park to the front at ground floor level and a further one to the rear at roughly first floor level due to the southward incline of Lyonsdown Road. The church hall immediately to the rear of Endeavour House aside, Lyonsdown Road is characterised by mainly semi detached and detached two storey dwellings lining either side of the road, to the front of their plots which stretch back east and westwards. The appeal building is in an established street scene and cluster of other multi storey buildings that are arranged between No 21 to the west and a block of flats formerly known as Basil Court to the east. By some margin, these buildings are the tallest in the immediate area and vary between seven and ten full storeys, including roof sections in some cases. Basil Court is the tallest. Generally, they are narrow in their profile and are somewhat landmark buildings that surround the intersection of Station Road, Station Approach and East Barnet Road.
4. At seven storeys, the appeal building is not the tallest of the group. Its height is continuous across its irregular shape, features which it has in common with

the others aside from the slightly reduced height of the rear section of No 17. The appeal scheme would add further storeys and thus height to the appeal building, resulting in its being the tallest of the group by some degree. Its Station Road facing elevation would be stepped, increasing in height from where it abuts No 17. The tallest point, and roof section above the tenth floor, would be where the appeal building abuts Lyonsdown Road. It would then step down in height again along Lyonsdown Road, forming an L shape, reducing to four storeys at its rearmost and alongside the aforementioned two storey dwellings that line Lyonsdown Road.

5. I do not object to the total height of the building per se. It would be the tallest, and noticeably so, but not significantly taller than Basil Court which is part of the wider group. I do however have concerns about the use of a distinct stepped design, the substance of the rear projection along Lyonsdown Road and the resulting mass and spread of the extended building.
6. The stepped design would appear contrived and awkward against the largely continuous and level nature of the other buildings. I have noted that No 17 is stepped but the reduced height in this case is to its rear, somewhat obscured and thus very recessive in public views.
7. In terms of how the extended building would appear along Lyonsdown Road, I note the attempts that have been made in the design to reduce to a scale similar to the two storey dwellings. I do not feel however that this attempt has gone far enough. At four storeys, this section would still appear overly large alongside the much smaller scale of the two storey dwellings and it would maintain a looming presence over them given it would be read as part of the larger block it would be attached to. I appreciate that the existing building is considerably taller and wider than the two storey dwellings along Lyonsdown Road but the substantial and noticeable gap between them (currently formed by a car park) allows one to appreciate them as distinct and reduces how they are experienced together.
8. The land take of the building would increase, mainly to the rear and along Lyonsdown Road. It would alter its shape and make it spread noticeably. This substantial mass increase would make the building dominant over the rest of the group which are generally (and characteristically for the area) slimmer profile and narrower in their shape.
9. When taken together, these factors would result in a building that would not be suitable for either the Station Road or Lyonsdown Road street scenes. It would appear overly large and bulky when read against others in the group and dwellings along Lyonsdown Road. This would accordingly be harm to the character and appearance of the area. Such that the appeal scheme would conflict with Policies CS1 and CS5 of the Core Strategy¹ and Policies DM01 and DM05 of the Local Plan². Amongst other things, these policies seek to ensure the highest standards of urban design that respect local context and distinctive local character. Proposals should be based on an understanding of local characteristics. They also explain, in regard to tall buildings specifically, that they should demonstrate successful integration into existing urban fabric and generally be in specific locations.

¹ Barnet's Local Plan Core Strategy Development Plan Document 2012

² Barnet's Local Plan Development Management Policies Development Plan Document 2012

Other Matters

10. The Council's evidence sets out that the appeal scheme would have to provide, via a completed planning obligation, a number of contributions commensurate with the impacts of the proposed development and the requirements of the development plan. Amongst other things, this includes a commuted sum towards the provision of affordable housing. There is no such obligation before me as I determine this appeal. In the absence of the required contributions therefore, there would be further conflict with the development plan arising out of the appeal scheme and thus a further reason it would not be allowed. I have not sought a completed obligation from the appellant as this would be unfair in light of my conclusions on the main issue.
11. I agree that the appearance of the building would be improved by more modern materials of better quality. In essence, a redevelopment of the appeal building has the potential to greatly update what is an otherwise rather drab former office block. However, such an improvement is not wholly reliant on such a substantial increase in the building's overall size and any improvement in the use of materials and external finishes needs to be balanced against any harms that may arise from other factors.
12. The appellant alleges that the Council are currently under delivering on their annual housing targets and gives some figures. There is no specific accusation that they are unable to demonstrate the supply of housing as required by Framework³ and thus I am unsure if the so called tilted balance set out by paragraph 11 would be engaged with regard to the appeal.
13. If it were, the appeal scheme would cause harm of the type and extent I have described above. Whilst I may reduce weight I would ascribe to any policies that might be out of date in an undersupply situation, there would still be conflict with the development plan and I would attach substantial weight to the harm I have found given it would be long lasting and wide ranging.
14. The appeal scheme would deliver housing of a not insignificant number to the area although in light of my earlier comments and there not being a completed planning obligation before me there would be no affordable housing provided. Also, there are already extant schemes achieved through the express planning permission and prior approval processes for substantial residential development at the appeal building. Further, and whilst housing may be needed nationally, it should be delivered in the right places and not at the expense of unacceptable harm to its environment
15. There would be other benefits such as those to the construction industry and the support of employment, as well as expenditure going forwards. The construction and jobs benefit would however be time limited and future expenditure only marginally greater a benefit given (again) that substantial residential development has already been secured at the appeal building.
16. There are other areas in which the appeal scheme would be acceptable. Its effect on the living conditions of existing and future occupiers for one, as well as the use of good quality external materials and reducing the need to travel. There would be some compliance with the development plan in these areas. As

³ The National Planning Policy Framework 2019

a lack of harm in each case however, these matters would be incapable of weighing against harm. They would be neutral in any balance.

17. With the above in mind, and if I were to be considering the appeal scheme in the context of paragraph 11 of the Framework, I would find that the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposed development would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

18. For the above reasons and taking into account other matters raised, including those by third parties, the appeal is dismissed.

John Morrison

INSPECTOR