



Appeal Decision

Site visit made on 6 October 2020

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/N5090/C/20/3248340

Land at Emilia's Italian Coffee, 24 Station Road, London N3 2RY

- 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 Miss Kerri Smith against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice was issued on 6 February 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the enlargement of a side extension.
 - The requirements of the notice are:
 - 1) Either demolish the side extension or;
 - 2) Restore appearance of side extension to as existing June 2015, including height and size, roof form, materials and colours to match shop. Refer to photo J2015.GI.
 - 3) Permanently remove all constituent materials resulting from the necessary works carried out in either 1 or 2 from the site.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Formal Decision

1. It is directed that the enforcement notice is corrected by the addition of the words *the* after restore and before appearance and, *the* after of and before side and, *the adjacent* between match and shop, in requirement 2 in section 5 of the enforcement notice.
2. Subject to these corrections, the appeal is dismissed, 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.

The Notice

3. There are some errors in requirement 2 including, not specifying which shop the modified extension should match, along with some missing words. I shall however correct the enforcement notice and consider there is no prejudice caused to either party by me so doing.

Preliminary Matter

4. The appellant stated that the shop has not been extended, metal cladding has been attached to the side and front and the height of the cladding is the same as the original apex. This is a point more appropriately made under an appeal on ground (b) however, that ground has not been pleaded. I nevertheless address this matter before considering the appeal on ground (a).

5. In my view, by adding cladding to the side and front and raising the overall height of the roof to match the original apex, the result is the enlargement of the extension. I therefore conclude as a matter of fact that the breach, as alleged, has occurred. Consequently, if an appeal on ground (b) had been made it would have failed.

The appeal on ground (a) and the deemed planning application

6. The main issue is the effect of the enlarged extension on the character and appearance of the area.
7. The appeal site is in a prominent location adjacent to the pavement close to the entrance to Finchley Central Station. Adjoining the appeal site and on the opposite side of the road, are single storey commercial units which have shopfronts of various contemporary designs, mostly featuring large display windows with a horizontal emphasis and typical high street appearance.
8. Whilst the design of the extension, prior to enlargement, was of no particular architectural merit, it had a straightforward and subservient appearance.
9. The appeal development is constructed from black metal sheeting and has a relatively narrow flat roof form which extends to around eaves height on the adjacent building. As a result of its unusual proportions, basic utilitarian design and use of an unsympathetic material, which contrasts uncomfortably with those used in the wider area, the development has an incongruous and harmful appearance.
10. I understand the appellant's reasons for carrying out the development, which relate to security and anti-social behaviour, and I acknowledge they worked with the Police on the design and that there have been no break-ins since its construction. However, it has not been demonstrated that the appeal scheme is the only means by which the desired security could be provided consequently, these matters do not outweigh my findings above.
11. Overall, I conclude that due to the design and use of materials, the development is harmful to the character and appearance of the area. This is contrary to Policy DM01 of the Local Plan¹, Policies CS1 and CS5 of the Core Strategy² and Policy 7.6 of the London Plan (2016). Together these policies require a high standard of design and architectural quality and, development which ensures attractive safe and where appropriate vibrant streets which provide visual interest at street level and avoid blank walls.
12. It also conflicts with the design aims of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

¹ Barnet's Local Plan (Development Management Policies) Development Plan Document September 2012

² Barnet's Local Plan (Core Strategy) Development Plan Document September 2012

Conclusion

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Felicity Thompson

INSPECTOR