



Appeal Decision

Site visit made on 6 October 2020

by Stephen Wilkinson BA, BPI, DIP LA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/N5090/W/19/3220897

Land fronting St Andrew's Road and Portsdown Avenue, Golders Green, London, NW11 0PJ

- 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 London NW Properties Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/4546/FUL, dated 20 July 2018, was refused by notice dated 23 November 2018.
 - The development proposed is refurbishment of the existing clubhouse, retention of three tennis courts (one of which would be upgraded to a MUGA) and introduction of wheelchair accessibility measures, all enabled by the development of eight houses (four bedroom) with associated highway and landscaping works.
 - This appeal supersedes that issued on 4 July 2019. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the description of proposed development from that which appears in the banner heading above; this was taken from the application form. The Council revised this description which was subsequently used by the appellant on the appeal form. The description of proposed development is: erection of 8No. 2 storey dwelling houses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage, and refuse and recycling storage. Retention of 3No. existing tennis courts (1No. of which to be upgraded to a Multi Use Area) with installation of wheelchair access. Refurbishment of the clubhouse to include replacement roof, replacement windows with double glazing and new external cladding.
3. I have determined the appeal on the basis of this description.
4. The Council cite policy 7.18 of the London Plan 2016 in support of its first reason for refusal. This policy refers to 'protected open spaces' which the Glossary to the Plan identifies as Green Belt and Metropolitan Open Land. The appeal site is not designated as such and the policy does not apply. Accordingly, my assessment of the appeal scheme has been made against the other London Plan and Local Plan policies identified by the Council in its reasons for refusal.

5. Given the progress which has been made towards the adoption of the emerging London Plan with the publication of the 'Intended to Publish' (ItP) draft, I asked the main parties to provide a comment on those policies considered most relevant to this appeal which are not subject to the Secretary of State's Direction. I have referred to these in my assessment of each of the main issues.
6. The appeal is accompanied by a signed Unilateral Undertaking.

Main Issues

7. The effects of the proposals on:
 - community facilities, and
 - the character and appearance of the area.

Reasons

Loss of a community facility

8. The tennis club was 'wound up' in 2016 and the site has been vacant since around that time. Whilst representations from third parties identify issues with the club's past management and marketing, it is not my role to comment on the club's previous management and the factors which led to their decision. It is clear, however, that the Club operated as a private member's club and was not readily accessible to the public. It is my understanding that this was a reason why the Council did not register it as an Asset of Community Value.
9. A common thread runs through the National Planning Policy Framework (the Framework), policies included in the London Plan (2016) and the Council's Local Plan (including its Core Strategy and Development Management Policies 2012) which require that there should be no net loss of sport and recreation facilities with policy support for multi-use facilities required to extend the range of sport/leisure activities to increase participation for a broad range of groups. Similar policies are included in the Intend to Publish (ItP) draft of the new London Plan.
10. Both Paragraph 97 of the Framework, Policy DM15 (DMPD) and Policy S5 of the ItP would allow an exception to these policies, if an assessment can show that the existing facilities would be surplus or their replacement would include better facilities. The appellant's marketing campaign, conducted for several months in 2017 was broad in scope and included the leisure sector. This indicated that there was no interest in a purely recreational scheme for the future of the site.
11. Additional evidence involving an examination of alternative leisure uses concluded that these could not be accommodated on the site because of its location and size. For these reasons, I am satisfied that the scheme broadly met the requirements of Policy DM15 and Policy S5 of the ItP version of the London Plan.
12. The appellant's evidence identifies that within 20 minutes' walk of the site there is an overprovision of tennis courts when compared to provision per 100,000 population for both London and nationally. Whilst the Council's playing pitch strategy identifies that there is an under provision of 2 courts within this area, it is unclear how this has been measured or whether this reflects the

extent of local demand around the Princes Park courts rather than evidence of an 'open space deficiency' in the area as the Council's decision letter states.

13. The additional investment in the 2 remaining courts and clubhouse would retain tennis provision on this site and through the MUGA extend the range of sports provision available. The business plan identifies how the recreational offer of the site could be developed with new investment and income generation. Given the central importance to this appeal of the retention of community facilities, the suggestion of a revised condition 34¹ which identifies a trigger for the submission of details and a timetable for the reinstatement of the retained courts, clubhouse and MUGA would be important, if I were allowing this appeal, in ensuring that a community facility is not lost at this site.
14. Whilst adopted policies seek to protect community facilities, there is also policy support for multi-use facilities to extend participation across a broad range of groups. The development of the MUGA, inclusion of wheelchair access and commitment to capital investment of £75,000 in local courts, included in the Unilateral Undertaking, would comply with policies.
15. For these reasons, I conclude on this main issue that the proposal would be in accordance with adopted policy 3.19 of the London Plan (2016) and policies S5 of the ItP Plan, policies CS7 and CS10 of the Council's Core Strategy (2012) and DM13 and DM15 of the Development Management Policies DPD (2012) and the Planning Obligations DPD which seek to extend the range of facilities and increase participation. Furthermore, the proposals would be in accordance with the wellbeing provisions of the Framework.

Character and Appearance

16. The surrounding area is characterised by large detached and semi-detached 2 and 3 storey residential properties. Despite some examples of recently completed infill housing, the properties in the area follow a traditional style common to interwar housing. Nos. 2-8 St Andrew's Road, adjacent to the appeal site, comprise a short terrace of cottage style properties.
17. The appeal proposal would involve 8 new houses designed as 2 storey semi-detached properties, each of which include rooms in the loft space and would be located along Portsdown Avenue and St Andrew's Road.
18. Although there are marginal differences in their height and depth compared to neighbouring properties, the proposed dwellings would have a contemporary design when compared to the grain of housing in the area. Key features include simple gables, hipped gables and front gables.
19. Whilst the properties include architectural features which can be found in the local area it is the combination and their relationship within the elevational treatment which would strike a jarring note in the street scene, contrasting unfavourably with the general character and appearance of the area. This results from the design of each pair of semidetached properties which include both a hipped roof and straight gable. These are strong features and their net effect is to imbalance the appearance of each pair of properties. This contrasts with the more uniform elevational treatment of semidetached properties in the area which contributes to its character and appearance.

¹ Officer's addendum report

20. Furthermore, due to the design of the straight gables between each pair of properties the two rows of properties would appear, when viewed from along both streets, as a terrace of 4 properties. Instead of providing interest, the appeal proposals would introduce a discordant note into the streetscene of both roads.
21. In particular, the proposal would contrast unfavourably with the traditional appearance of the cottage style properties along St Andrews Road. Although the appellants propose the use of a similar palette of materials to those used in surrounding properties this does not mitigate sufficiently for their discordant design.
22. For these reasons, on this main issue, I conclude that the proposals would adversely impact on the character and appearance of the area. This would be contrary to policies CS1 and CS5 of the Core Strategy (2012) DM01 of the adopted Barnet Management Policies DPD (2012) and the adopted Residential Design Guide which require new development to respect local character.

Other Matters

23. Both parties presented summary evidence on the extent of 5 year housing land supply. Even if I were to conclude that there is a shortfall in the 5 year housing land supply position as suggested by the appellant, the harm I have identified to the character and appearance of the area significantly and demonstrably outweighs the benefits of the scheme, including the injection of funds into local tennis courts and a very limited boost to housing supply. As such, the presumption in favour of sustainable development as envisaged by the Framework does not indicate a decision, other than in accordance with the development plan.

Conclusions

24. For these reasons I conclude that the appeal should be dismissed.

Stephen Wilkinson

INSPECTOR