
Appeal Decision

Site visit made on 9 December 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/N5090/W/20/3251132

The Old Print Works, Unit 1 and 1A, 25 Tapster Street, Barnet EN5 5TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Tapster Street Properties Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/0041/OUT, dated 6 January 2020, was refused by notice dated 4 March 2020.
 - The development proposed is the demolition of existing building and construction of new 4 storey building comprising 8 flats and provision of 2 parking spaces.
-

Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area and b) the free flow of traffic.

Reasons

Character and Appearance

3. The appeal site is formed by a two storey pitched roof building with a brick and part timber exterior. It is part of a linear run of mainly two storey structures that house a number of commercial uses. They have a largely consistent height and make up a complex known as The Old Print Works. A newer three storey building is located at the end of the run, adjacent Tapster Street. The appeal site faces into a yard which is to the rear of a number of buildings that face south and the High Street to the west. Despite being effectively a backland site, the buildings are visible from Tapster Street and the junction with Moxon Street and Victors Way to the south, as well as delivery accesses to the north, at the rear of High Street premises.
4. The appeal scheme would see the demolition of the existing building and its replacement with a taller four storey structure with a flat roof. An extant planning permission¹ exists for the conversion of the building to residential flats. A scheme which also includes an extension to the roof.
5. Whilst the difference between the height of the proposed building and that which has been approved would not be substantial, the impression of it would

¹ Council reference 19/3181/FUL

be made more obvious by both the use of a design that shows a clear four storeys and how its wide and flat roof would sit against the modesty and simplicity of the adjacent pitched roof building. The consistency of building heights in the group that makes up The Old Print Works is a key feature of how it presents to the yard and accordingly how it is viewed from the surrounding streets. Such a clear and obvious interruption to this would make one element stand out awkwardly and thus jar with the overall scale of its context.

6. The appeal scheme would therefore cause harm to the character and appearance of the area. Such that it would conflict with Policies CS1 and CS5 of the Core Strategy² and Policy DM01 of the Local Plan³. Amongst other things, these policies state that the Council will seek the highest standards of design and quality. They also seek to ensure that new development will respect local context and character.

Car Parking – Free Flow of Traffic

7. The crux of the Council's concerns in regard to this main issue is how the appeal scheme would under provide off street parking and as a consequence lead to on street parking. It is explained that the appellant is required to enter into a planning obligation to amend the Traffic Order (TO) that regulates the local Controlled Parking Zone (CPZ). They draw attention to Policy DM17 of the Local Plan which sets out the Council's expected parking standards. Policy DM17 refers, in terms of flatted developments, to a range between 1 and less than 1 space per unit.
8. Firstly, I notice that the above requirements are described by DM17 as a maximum and not a minimum. The proposed development would provide two off street spaces, which the Council state would under provide by a single space, three being required by the standards. Applying the above as a maximum requirement, I am slightly confused as to how the Council arrived at a specific three space requirement. The appeal site is situated in very close proximity to a wide range of amenities, community uses, employment opportunities and other uses on which future occupiers would rely for day to day living. The Council confirm that the Public Transport Accessibility (PTAL) rating for the area is good. It seems reasonable therefore that future occupiers may not actually need to own a vehicle.
9. Along with the limited evidence I have before me that the area is under high stress for on street parking, I would not be able to agree that the appeal scheme, if indeed it did lead to parking on the street, it would necessarily be at such a level that the free flow of traffic would be detrimentally affected. Moreover, and for the same reasons, I do not feel it would be reasonable to expect the appellant to enter into a planning obligation to fund alterations to the CPZ TO.
10. Taking all of the above into account, the appeal scheme would not cause any conflict with Policy DM17 of the Local Plan which seeks to ensure, amongst other things, appropriate parking standards in the context of the travel impact of new development.

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

³ Barnet's Local Plan (Development Management Policies) Development Plan Document 2012

Other Matters

11. Whilst not explicitly arguing that the Council are currently unable to demonstrate the supply of housing sites as required by the Framework⁴, the appellant does suggest that the Council are significantly short of meeting the new annualised target for housing set out in the draft London Plan. At the time of writing, the draft London Plan has yet to be adopted and as such I am unable to attach full weight to its provisions over the adopted position which, according to the evidence, the Council are delivering on.
12. If it were to be the case that the Council were unable to demonstrate the supply of housing sites as required by the Framework and I were to, as a result, engage the so called tilted balance explained by paragraph 11 (treating the most important policies accordingly) I would make the following conclusions.
13. The appeal scheme would provide for new housing but only four units above that which already has the benefit of planning permission. This is a contextually small number of new units that would make a limited difference to any under supply. I would therefore afford it limited weight. There would be economic benefits but again given the scale of the proposed development these would be limited in their scope and time limited in their contribution, thus reducing the weight they would attract. I would set these benefits against the environmental harm that I have found which would be long lasting and result in conflict with the Framework's aims for good quality, contextually appropriate design and appearance. I would therefore conclude that, in this particular case, 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 appeal scheme would not therefore, should a decision thereon be taken in a demonstrable housing under supply position, be sustainable development for which the presumption in favour applies.

Conclusion

14. Whilst I have found in the appellant's favour in regard to the second main issue, this would be a lack of harm which, by definition, cannot be used to weigh against that which would arise out of my findings in regard to the first. It is for this reason that the appeal is dismissed.

John Morrison

INSPECTOR

⁴ The National Planning Policy Framework 2019