



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: 22 December 2020

Appeal Ref: APP/N5090/W/20/3254884

1 Church Passage, Barnet EN5 4QS

- 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 Gary Cramer against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/0475/FUL, dated 30 January 2020, was refused by notice dated 30 April 2020.
 - The development proposed is a second floor extension to existing block of 4no. self contained flats, to provide 1no. additional 1 bedroom self contained flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are a) whether or not the proposed development would preserve or enhance the character or appearance of the Wood Street Conservation Area; b) the effect of the proposed development on locally listed buildings; and c) the effect of the proposed development on the living conditions of existing neighbouring occupiers.

Reasons

The Wood Street Conservation Area (WSCA)

3. The appeal building is a two storey flat roofed infill structure with two shop units to the ground floor. It is shaped to follow its frontage and links The Hyde Institute with No 59-61 High Street. The ground floor shop fronts utilise traditional scale, glazing and detailing and the windows to the first floor follow a strong linear rhythm with even spacing. The rear presents a relatively bland and rendered two storey structure that faces into a private car park.
4. Despite presenting a flat roof to the public realm that clearly jars visually with the buildings either side, the detailing and fenestration of the appeal building contribute positively to the WSCA. Overall, the scale of the building is relatively unobtrusive and recessive to other larger and grander designs, both when viewed from the front and private areas at the rear. An extant planning permission exists for the erection of a mansard style roof extension to the front to house additional flats. This was granted in the late 1990s and would span the gap between the buildings either side. The proposed development would repeat a similar style extension to a section of the roof at the rear.

5. Whilst following a previously approved style, the mansard section to the rear would appear very narrow and thus its height emphasised. This would be awkward against the somewhat squat stature of the host building. In addition, the extension to the front (should it be carried out) would follow the rhythm of windows at the first floor and thus to some degree harmonise with the building. The roof extension at the rear would, by virtue of unmatched windows in size and location terms, appear as something of an out of place bolt on to the roof, bearing very limited reference to it. Furthermore, the number of dormer style windows in the roof extension, given its own span, would give rise to a cluttered, overly busy appearance, confusing its own design approach.
6. I acknowledge that the main impact in terms of the appearance of the roof extension would be to the rear. It would be screened completely from the street. That said, this would only be the case should the extant scheme come forward. There is no guarantee it will. Further, and for me, the harm a given development may cause to the historic environment does not automatically reduce if its visual influence on the public realm is limited.
7. Given the scale of the proposed development in context, I would consider the harm it would cause would be less than substantial. As such, and in accordance with paragraph 196 of the Framework¹, I am required to balance it against the public benefits of the proposal.
8. The scheme would involve the provision of housing which would add to choice and mix on the local market albeit I am not aware of any particular housing shortfall or need that would result in my attaching more than modest weight to this benefit. The appellant has advanced that the appeal scheme would obscure some of the flank elevation of the neighbouring building at 59-61 High Street. Whilst this may be the case, I do not find this elevation particularly harmful and as such cannot consider this matter worthy of any more than limited weight as a benefit to the public. The establishment of a new residential unit in a location that would be of benefit to future occupiers given its proximity to services would be positive. However, this would be more a lack of harm and be expected in order to comply with other policies for the location of new housing and as such I do not afford this matter great weight.
9. Placing the above in the context of the great weight that the Framework states should be afforded to the conservation of a heritage asset, I can only conclude that the harm I have found would not be outweighed by the public benefits. Subsequently, the proposed development would fail to preserve or enhance the character or appearance of the WSCA. This would render it in conflict with Policies CS1 and CS5 of the Core Strategy² and Policies SM01, DM02 and DM06 of the Local Plan³. Amongst other things, these policies seek to ensure that new development is of a high quality and contextually appropriate design and appearance that reflects local character. They also seek to protect the historic environment from harm through regard to its local historic context.

Locally Listed Buildings

10. The appeal building is flanked by two locally listed buildings. These being The Hyde Institute and 59-61 High Street. I have limited evidence before me on

¹ The National Planning Policy Framework 2019

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

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

the significance of these buildings. Suffice as to way however that they are considerably more imposing than the appeal building.

11. In the case of the Hyde Institute, this is a two storey pitched roof building in brick on a stone plinth and with stone capped parapet detail. Ornate columns surround two sets of grand, inset crittall style windows. Whilst some of these features are obscured from the rear elevation, the scale and presence of the building can still be appreciated, as well, as a number of traditional lower rise extensions. No 59-61 High Street has two ground floor shop units with two further storeys above. Window size decreases through the upper floors which terminate in a number of pitched roof dormers at the eaves. All windows are vertical sliding sashes. The exterior is in a buff brick with contrasting red brick banding which is also used in the splayed solid courses above the first floor windows. The rear has been extended in the form of small dormer windows and a three storey outrigger style addition in a similar brick finish. It has a hipped roof.
12. Against the smaller but traditionally detailed extensions to the rear of the Hyde Institute, the proposed extension would appear overly large and looming, in an inappropriate and unfortunately contrasting manner. Whilst it would remain subservient to No 59-61, the design and scale of the mansard would jar visually with the more straightforward and natural way it has extended itself in the form of small and well contained dormer windows and an outrigger style extension. Should the extant scheme not come forward, the appeal scheme would be visible from the front elevation. This would widen its influence and detract from the traditional qualities of the front elevations of the flanking buildings as I have described them.
13. With the above in mind, and in addition to the harm I have found above in regard to the MSCA, the proposed development would be harmful to the qualities, form and design of the two flanking locally listed buildings. This would be contrary to the aims of the policies I have cited in my findings on the first main issue.

Living Conditions

14. There are a number of strands to the Council's concerns in regard to this main issue. They focus on the effect of the proposed development on the living conditions of the occupiers of the upper floor flats in the outrigger extension to the rear of No 59-61 High Street. I shall aim to address each matter in turn.
15. The roof extension to the appeal building would be single storey in height since it would house a one bedroom studio style flat. Set to the rearmost point of the existing roof, it would project further rearward than the wall in which rear facing windows are located for the aforementioned flats. I feel the presence of the extension, as a result of its height and extent of projection, would impinge on the outlook from the two windows in the rear of the outrigger. In terms of the second floor window, the outlook would include a substantial amount of new build, as a long, blank and featureless side wall. Garnering something of an oppressive appearance. In the case of the first floor window, the mansard would have a looming effect on outlook, by virtue of the substantial additional height it would create atop the existing building. Whilst light into the windows would be affected, I do not feel it would be to the extent that one could resist the scheme on that ground alone given the windows would be largely unencumbered from the opposite side.

16. There is a window in the side elevation of the second floor of the outrigger. The appellant's evidence suggests this is a secondary window and is possibly obscure glazed. Despite this, it seems on my observations on site to be one of very few windows into the unit that occupies the second floor of the outrigger. The height and proximity of the roof extension to the appeal building would severely restrict any outlook available and also significantly reduce natural light allowed into it, darkening the experience of the room.
17. The Council mention that the windows in the southern elevation of the roof extension, as well as the proposed roof terrace, would overlook the terrace that would be accessed by occupiers of the flats on the first floor of the building. The windows in question would be inset from the edge of the existing roof, meaning a direct line of site onto the terrace below would be interrupted. That said, I feel the use of obscure glazing to the lower part of the southern elevation windows would ensure that privacy for neighbours would be maintained. This would also ensure a reasonable outlook for occupiers of the new flat. In the case of the small terrace, an appropriate barrier or screen could be used to restrict views therefrom to being over the private car park.
18. Be this as it may, the lack of harm in regard to overlooking would not be sufficient to lessen that which would be caused by the location and size of the roof extension to the living conditions of the occupiers of the upper floor flats in the three storey outrigger to the rear of No 59-61 High Street in the manner I have described. This would result in the appeal scheme being contrary Policy CS5 of the Core Strategy and Policy DM01 of the Local Plan. Amongst other things, these policies seek to ensure that new development is of a high quality design that allows for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Other Matters

19. I note the appellant's comment regarding them being a freeholder of the building in which the side window to the upper floor outrigger flat is inserted and that this might have been done without permission. I acknowledge that some form of private action could therefore be taken to have this window removed and a brick wall reinstated. Be this as it may, as a private matter I have no control over whether this would or would not take place. In any case, this would not address the problems associated with the outlook from the windows on the rear elevation of the outrigger and thus the appeal scheme would remain unacceptable in terms of the living conditions of neighbouring occupiers.

Conclusion

20. The appeal scheme would cause harm to the historic environment and the living conditions of the occupiers of neighbouring dwellings in the manner I have described. In each case there would be conflict with the development plan. It is for these reasons that the appeal is dismissed.

John Morrison

INSPECTOR