



Appeal Decision

Site visit made on 18 May 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 June 2021

Appeal Ref: APP/N5090/W/20/3264153

19 Edrick Walk, Edgware HA8 9JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr M K Shirdel against the Council of the London Borough of Barnet.
 - The application Ref 20/0845/HSE, is dated 14 February 2020.
 - The development proposed is a double storey side and part double part single storey rear extension.
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Decision

1. The appeal is dismissed and planning permission for the erection of a double storey side and part double part single storey rear extension is refused.

Procedural Matters

2. Revised plans were submitted by the appellant to the Council, removing the 2-storey elements from the proposed development. However, the Council have confirmed that this scheme did not proceed, and the description was not amended, nor did the amended plans benefit from a full consultation exercise undertaken by the Council prior to the submission of the appeal. Therefore, as the proposed development has materially changed, I cannot be certain that potential interested parties have not been denied an opportunity to comment. Therefore, I am unable to take the revised plans into consideration on this appeal.
3. The appeal has been made following the Council's failure to determine the application within the required period. Following the submission of the appeal the Council has clarified the position it would have taken on the application if it had made a decision within the required timescales of the appeal. Whilst the Council have responded to the appellant proceeding on the basis of the revised plans, it does clarify that it would have refused the original scheme. Consequently, due to these technical issues, I have taken the description of development in the banner heading above from the application form and not the appeal form, formulating the main issue and dealing with the appeal on this basis.
4. The London Plan 2021 (LonP) has been published by the Mayor during the course of this appeal. The LonP comprises the spatial development strategy for London and is now part of the development plan, to which I attribute full weight to its policies. Both main parties were given the opportunity to comment on any implications for the appeal. Therefore, in this instance, I will not prejudice either party in taking the LonP into account in the determination of this appeal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the appeal site and the surrounding Watling Estate Conservation Area (WECA).

Reasons

6. The appeal property is a 2-storey end terrace house located in a well-established residential area within the WECA. The area surrounding the appeal site is mainly characterised by terraced properties set back from the road behind a front garden/driveway. A number of semi-detached houses are in proximity of the site.
7. The National Planning Policy Framework (the Framework) requires that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 192 of the Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of development making a positive contribution to local character and distinctiveness.
8. The significance of the WECA lies in its distinctive layout, form and building designs, which were heavily influenced by the post war Garden City movement. The layout is characterised by short terraces of houses, with a notable amount still set back behind front gardens with hedged boundaries. The houses have an overall uniformity in scale and form, with materials and detailing influenced by the Arts and Crafts architectural style. One of the most notable features of the WECA is the presence of grassed areas throughout the estate with buildings sited to face the street.
9. The proposed development through its design and form, with particular regard to its height and 2-storey appearance, would result in an addition that would erode the existing and important space between the site and No 17 Edrick Walk. Thus, the proposed development would create a negative relationship between No 19 and the adjacent dwelling. The resulting significant adverse effect on the host property would be readily visible in the street scene to the detriment of the character and appearance of the WECA. I accept that No 25 Edrick Walk benefits from a 2-storey side extension. However, there are notable differences in the site circumstances at No 25, when compared to the site, particularly through the gable of No 25 facing Edrick Road and amounting to a corner property. In any event, the fact that other development may exist, even if there are similarities to the appeal scheme, is not a reason, on its own, to allow otherwise unacceptable development.
10. Consequently, it has not been demonstrated that the proposed development would not have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of paragraph 196 of the Framework. To allow the proposal the resultant harm would need to be clearly outweighed. Additionally, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) sets out that in the exercise of planning functions with respect to any buildings or land

in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

11. The proposal would provide additional accommodation at No 19 for its occupiers, but this would amount to a private benefit. In this instance, I find little public benefit associated with the proposed development that would outweigh the harm to the significance of the WECA. The statutory duty in Section 72 of the Act is a matter of considerable importance and weight. On the details before me, I consider the proposed development fails to accord with this duty.
12. My attention has been drawn to other development in the locality by both main parties. However, I am not aware of the full details that were before the Inspector on the appeal¹ cited by the Council and relatively little detail has been provided regarding the particular planning background for the development at No 127 Banstock Road. In any event, these sites were for single storey development and for the reasons outlined earlier in this decision, they have little bearing on the appeal case before me.
13. For the reasons given above, I therefore conclude that the proposed development would not preserve or enhance the character and appearance of the WECA. This would be contrary to the heritage, design, character and appearance aims of LonP Policies D3 and HC1.C, Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012, Policies DM01 and DM06 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012, Supplementary Planning Document - Residential Design Guidance 2016 and the requirements of the Framework.

Other Matters

14. I recognise the desire of the appellant to develop his home, but on the evidence before me this is not a reason to grant permission in the face of the harm identified. He has also expressed concern about the way that the Council handled the application, but this does not affect the planning merits of the case. I have considered the appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR

¹ APP/N5090/D/18/3214764