



Appeal Decision

Site visit made on 19 November 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22/12/2021

Appeal Ref: APP/N5090/W/21/3272497

Heathfield, 5 Oakleigh Park South, London N20 9JS

- 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 Printhan Sothinathan against the decision of London Borough of Barnet.
 - The application Ref 20/5282/FUL, dated 5 November 2020, was refused by notice dated 19 February 2021.
 - The development proposed is described as demolition of property behind the retained front façade and rebuilding to include a two-storey rear extension and alteration to the roof/raining of the ridge and insertion of dormer windows at the rear (as previously approved under Ref 20/2341/HSE)
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Decision

1. The appeal is allowed and planning permission is granted for demolition of property behind the retained front façade and rebuilding to include a two-storey rear extension and alteration to the roof/raining of the ridge and insertion of dormer windows at the rear (as previously approved under Ref 20/2341/HSE) at Heathfield, 5 Oakleigh Park South, London N20 9JS in accordance with the terms of the application, Ref 20/5282/FUL, dated 5 November 2020, subject to the conditions contained in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, having specific regard to the locally listed status.

Reasons

3. The appeal site comprises an existing two-storey detached dwelling. It is a substantial property set in a large plot and is a locally listed building that positively contributes to the character and appearance of the area. It is located in a predominantly residential area where I observed there is a wide range of properties in terms of their design, size and siting.
4. Although local listing provides no additional planning controls, the fact that a building is on a local list means that its conservation as a heritage asset is an objective of the National Planning Policy Framework (2021) (the Framework) and a material consideration when determining the outcome of a planning application or subsequent appeal. In considering proposals that affect a locally listed heritage asset, paragraph 203 of the Framework requires, amongst other things, that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and in weighing applications that directly or indirectly affect non-

designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5. In regard to the appeal property, I find that its significance lies in its positive contribution it makes to the street-scene by way of its design, appearance, external materials and architectural features. I have also been referred to the local listing summary which identifies its selection principles as being 'aesthetic merits' and 'intactness'. There is no substantive evidence before me as to the significance of any specific interior elements of the building.
6. I have been referred to an extant planning consent¹ that granted planning permission for a development of a very similar nature in terms of its scale and overall appearance. I am satisfied that if the appeal proposal were not undertaken, there is every likelihood that such a fallback would be built. I judge that due to the pronounced similarities between the development benefitting from the extant consent and the appeal proposal, in terms of its resulting appearance and a scale, I regard the likely erection of such a fallback as a material consideration of significant weight. Therefore, in considering the effects of the current scheme on character and appearance, I have taken into account the fallback position.
7. The appeal proposal involves the demolition of a substantial portion of the dwelling and its reconstruction behind the retained façade. Save for a slight increase in the ridge height, the two-dimensional front elevation would be largely unaltered, and in this regard the building would continue to make the same positive contribution which I have identified.
8. The main difference cited between the appeal proposal and extant consent is in relation to the amount of the original building that would be retained, less so in the appeal proposal. This is primarily in relation to the side elevations of the building.
9. In this case, and having regard to the extant consent, I do not consider that the significance of the asset, which I have identified, would be harmed by the proposed development. The sensitive reconstruction of the side walls that is proposed, including the use of salvaged bricks, would ensure that where these sections of the property are visible from the small section of the street, they would not cause harm.
10. I therefore conclude that the proposed development would not harm the character and appearance of the area and would sustain the significance of the non-designated heritage asset. It would therefore comply with Policy CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document (2012) and Policies DM01 and DM06 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012). These policies seek to ensure, amongst other things, that development is of a high quality and standard of design and that all heritage assets will be protected in line with their significance, including a presumption in favour of retaining Locally Listed Buildings.
11. The proposed development would also be in accordance with the guidance contained within the Residential Design Guidance Supplementary Planning

¹ 20/2341/HSE

Document (2016) that outlines with regard to Locally Listed Buildings that the council will apply a presumption in favour of retention.

Other Matters

12. The Council consider that the changes made from the permitted scheme would materially diminish the quality of the development and thus being contrary to paragraph 135 of the Framework. As I have found that there would not be harm caused by the development, it follows that the scheme would not be contrary to this element of the Framework.
13. The Council have considered the proposed development against the criteria referred to in paragraphs 199, 200 and 202 of the Framework. These are applicable to designated heritage assets, which under the definition in Annex 2 of the Framework, does not apply to the appeal property.
14. I note representation received to the planning application concerning the impact of the construction phase of the development, including in conjunction with other developments in the area. Any effects from the construction period would be short-term and could be mitigated by careful construction management that can be secured by an appropriate planning condition.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
16. The Council has suggested several conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency, clarity and omitted others.
17. In the interests of the character and appearance of the area, conditions are necessary for the submission of; details of materials to be used in the development, hard and soft landscaping, refuse storage, and details of services. The condition requiring details of services is required prior to commencement of development to ensure that the routing of necessary services for the development does not cause harm from the outset.
18. For the same reason, and to ensure a comprehensive approach is taken to the development, a condition to remove the permitted development rights is necessary.
19. In order to ensure the impacts of the construction phase are minimised on the local area, it is necessary to impose a planning condition requiring the submission of a Construction Method Statement. It is required prior to commencement of development to ensure that the measures are in place for the duration of the construction phase.
20. In order that the development meets the accessibility needs of future occupants, a condition requiring the development is built to a 'Lifetime Homes' standard is necessary. In the interests of sustainable construction, a condition requiring that the development incorporates measures to reduce carbon dioxide emissions is necessary. In the interests of sustainable travel, a condition requiring details of cycle parking is also necessary.

21. The Council's suggested condition relating to details of levels is not necessary to make the development acceptable in planning terms as the levels can be deciphered from the submitted plans. A condition requiring the submission of details of boundary treatment is not required as these are outwith the scope of the proposed development. As the property is an existing dwelling, and no change of use is proposed, it would be inappropriate to impose a condition to prevent any future change of use particularly in light of having no substantive evidence for the requirement of such a condition. A condition requiring that the car parking spaces are provided prior to occupation is not necessary for a development of this scale.
22. I also note conditions requested through consultation with the Council's Highways Officer. Whilst I have included some, I have amended or omitted others. A condition survey of the route of construction traffic is not necessary for a development of this scale.

Conclusion

23. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should succeed.

A M Nilsson

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

5285-001 Rev P1 Site Location Plan and Proposed Site Plan - 5285-051 Rev P1 Site Location Plan and Site Plan - 5285-052 Rev P1 Site Plan EXISTING - 5285-053 Rev P1 Site Plan PROPOSED - 5285-054 Rev P1 Ground Floor Plan EXISTING - 5285-055 Rev P1 Ground Floor Plan PROPOSED - 5285-056 Rev P1 First Floor Plan EXISTING & PROPOSED - 5285-057 Rev P1 Second Floor Plan EXISTING & PROPOSED - 5285-058 Rev P1 Roof Plan EXISTING & PROPOSED - 5285-061 Rev P1 South East (Front) Elevation EXISTING & PROPOSED - 5285-062 Rev P1 North West (back) Elevation EXISTING & PROPOSED - 5285-063 Rev P1 South West Elevation EXISTING & PROPOSED - 5285-064 North East Elevation EXISTING & PROPOSED - 5285-065 Rev P1 Street Elevation EXISTING & PROPOSED - 5285-066 Rev P1 Basement Floor Plan EXISTING & PROPOSED.

- 3) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the materials as approved under this condition.
- 4) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. measures to control the emission of dust and dirt during construction;
 - v. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development shall take place until details of the location, extent and depth of all excavations for services as well as upgrades (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with details approved under this condition.
- 6) Prior to occupation of the development hereby approved, it shall have been constructed to meet and achieve all the relevant criteria of 'The Lifetime Homes' standard (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.
- 7) Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target

Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

- 8) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation or completion of the development, whichever is sooner. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A,B,C,D,and E of Part 1 of Schedule 2 of that Order shall be carried out within the application site.
- 10) Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.
- 11) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

-----End of Conditions Schedule-----