
Appeal Decision

Site visit made on 7 December 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/N5090/W/21/3279091

1-14 Colman Court, Christchurch Avenue, London N12 0DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Greyclyde Investments Limited against the decision of London Borough of Barnet.
 - The application Ref 21/1705/PNV, dated 19 March 2021, was refused by notice dated 28 May 2021.
 - The development proposed is two additional storeys to provide 6 no. self-contained flats, and associated works including lift and staircase.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development and the site address in the heading above from the appeal form.
3. The principle of the development is established by Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO). The prior approval provisions do not require regard to be had to the development plan. I have therefore only had regard to the policies of the development plan in so far as they are material to the matters for which prior approval is sought.
4. Paragraph B(15) of Part 20, Class A of the GPDO requires the local planning authority to take into account any representations made to them as a result of consultation, and to have regard to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. My determination of the appeal has been made on the same basis.
5. Following determination of the planning application by the Council, the appellant has prepared an addendum to the Daylight and Sunlight Assessment (DSA) and amended plans omitting the lift from the proposed stair core. I have paid regard to these documents in consideration of the appeal and having regard to the Wheatcroft Principles I am satisfied that no interested parties have been prejudiced by my approach.

6. My attention has been drawn to the grant of planning permission by the Council for the recladding of Colman Court in buff brick. I have borne this in mind in consideration of the appeal.

Main Issue

7. The main issue is whether the proposed development would be granted planning permission by the GPDO with regard to the requirements of paragraphs A.2(1) (e) and (g) relating to the external appearance of the building and the impact on the amenity of the existing building and neighbouring premises including loss of light.

Reasons

External appearance of the building

8. The appeal site is a three storey flatted development comprising two blocks arranged in an L shape set back from the road frontages behind soft landscaping. The proposal relates to the block fronting High Road.
9. Colman Court has a simple appearance, yet its architecture has a noticeable rhythm and verticality resulting from the alternating glazing and spandrel panels and pale brickwork. In my view, the irregular parapet creates visual interest and highlights its verticality.
10. I acknowledge that the proposed development has been designed to be different and not to mimic the floors below. There are examples of where architecturally expressive development can sit comfortably side-by-side more traditional or utilitarian architecture. However, the proposed development would neither reflect the character of the host building nor would it be truly architecturally different. The size and position of the windows would not reflect the alignment and size of windows of the host property, nor would they be an appropriate contrast to the floors below resulting in a disjointed appearance. This would lead to an uncomfortable juxtaposition between the host property and the proposed development resulting in visual confusion harming the appearance of Colman Court.
11. Whilst the GPDO permits upward extensions and the top floor would be set back, the proposed development would be bulky, overly dominant, and a disproportionate development resulting in a top-heavy building accentuated by the extensive use of brickwork. Furthermore, the unified roof line, in my view, would emphasise the bulk and prominence of the development. The use of complementary brickwork would not overcome the harm that I have identified.
12. I note that the appellant contends that the Council and a previous Inspector deem the building to be 'unsightly'. However, this is not justification to allow inappropriate development.
13. In respect of the amended stair core proposals there is no doubt that it is necessary to provide safe access and egress from the new flats and to comply with fire and building regulations. I acknowledge the appellant has attempted to make it 'lightweight' including setting it in from the front and rear walls and incorporating a significant amount of glazing. However, its overall scale combined with the additional storeys would overwhelm the host property rather than resulting in a scheme that complements it.

14. I conclude that the proposed development would adversely affect the character and appearance of the host property contrary to Policy CS5 of the Barnet Local Plan Core Strategy (2012) and Policy DM01 of the Barnet Local Plan Development Management Policies (2012) which, amongst other things, require development to respect local context and distinctive local character creating places and buildings of high quality design.
15. The proposals would be contrary to guidance contained within the Council's Supplementary Planning Document: Residential Design Guidance (2016) which, amongst other things, requires development to be designed to ensure it functions well, is pleasing to the eye and endures. It would also be contrary to the Framework which, amongst other things seeks the creation of high quality, beautiful and sustainable buildings.

Amenity of neighbouring premises

16. The addendum to the DSA concludes that the occupiers of 661 High Road would not experience a noticeable reduction in daylight and sunlight as a result of the proposed development. This assessment has not been challenged by the Council and I have no reason to dispute its findings. Therefore, I am satisfied the occupiers of this property would not experience an unacceptable loss of light.
17. There is some debate between the main parties regarding whether the green space around Colman Court is amenity space or structural landscaping. Regardless the appellant has undertaken a 'Two Hour Sun on Ground' test which shows that the grassed areas will not experience unacceptable overshadowing as a result of the development. Without any substantive evidence to lead me to reach a different conclusion I find that the proposed development would not overshadow the green areas around the building.
18. I acknowledge that the proposed stair core would completely obscure the windows in the Christchurch Avenue elevation of the building, and they have not been assessed within the DSA. However, given their size it is evident that they do not provide meaningful light or outlook for the flats. They are secondary windows with the main light and outlook received from large windows in the rear elevation. The main windows would not be unacceptably affected by the proposals continuing to provide satisfactory light and outlook for the existing occupants.
19. Taking the above into consideration I am satisfied that the proposed development would not unacceptably harm the living conditions of existing occupants. I conclude that the proposal would accord with the provisions of paragraph A.2(1) (g).

Other Matters

20. I acknowledge that new developments are required to meet modern internal standards and regulations. I also note that there is an aim to significantly boost housing delivery especially in accessible locations and the borough, and the proposals would provide satisfactory living conditions for future occupants. However, these matters would not outweigh the harm that I have identified.
21. I note that representations were made by local residents raising additional concerns. However, given my findings, it is not necessary to consider these matters in detail.

Conclusion

22. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR