
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: 12 January 2022

Appeal Ref: APP/N5090/W/20/3265698

Land at Horseshoe Lane, Totteridge Common, Barnet, London N20 8NJ

- 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 P S Bowler against the decision of London Borough of Barnet.
 - The application Ref 20/04479/FUL, dated 23 September 2020, was refused by notice dated 19 November 2020.
 - The development proposed is erection of a single dwellinghouse with basement level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following determination of the planning application by the Council, the appellant has prepared an Arboricultural Implication Assessment and Method Statement. I have paid regard to this document 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.
3. The new London Plan (2021) (LP) has been adopted following submission of the appeal. Policy 7.16 of the London Plan (2016) has been superseded by new Policies in the LP. The Council has not provided information as to whether or not it considers that the proposed development conflicts with policies of the LP. My reasoning below therefore makes no reference to it.
4. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - Whether the proposed development would preserve or enhance the character or appearance of the Totteridge Conservation Area (CA);
 - The effect on protected trees; and

- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

6. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new dwellings is regarded as inappropriate in the Green Belt save for a number of specified exceptions.
7. The appellant contends that the proposed development falls within the provisions of two such exceptions. One being the limited infilling in villages and the second the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.
8. Policy DM15 of the Development Management Policies Development Plan Document (2012) (DPD) relates to development in the Green Belt. Albeit, not fully consistent with it, the policy makes clear at criterion a:i that development will need to accord with the Framework.
9. The Inspector in respect of the previous appeal relating to a similar development on the same site (Ref: APP/N5090/W/17/3175937) found that as Totteridge is not identified as a village in the development plan the proposal cannot be regarded as limited infilling in a village. Consistent with the previous Inspectors findings, as the site is not located within an identified village the proposed development would not constitute limited infilling of a village.
10. Turning to the second exception, whilst the site is not located within a defined settlement it is apparent that the site neighbours existing development on all sides with the built form extending beyond it in the form of housing and associated gardens.
11. On this basis, I am not satisfied that the site lies beyond the built-up area of Totteridge Common. As the site is garden land and lies within a built-up area it does not fall within the definition of previously developed land as outlined in the Glossary of the Framework.
12. As such, the proposal constitutes inappropriate development as set out in paragraphs 149 and 150 of the Framework and DPD Policy DM15.

The effect on openness

13. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both visual and spatial aspects.
14. The appeal site comprises an irregular shaped parcel of land located between two dwellings. It contains a hard surfaced tennis court, cut into the ground, enclosed by tall metal fencing and surrounded by mature landscaping. Despite the presence of the tennis court and associated fencing the site contributes to the openness of the area.

15. I acknowledge that a large proportion of the proposed development would be subterranean and that it would have a low scale, which combined with the surrounding fences, walls and hedges would ensure it would be an inconspicuous feature within the area. However, the proposed development would introduce considerable built form into the site. Given its overall size above ground the proposed development would result in an adverse impact on openness in spatial terms.
16. As such, I find that there would be a loss of openness of the Green Belt and this harm would be substantial contrary to the aims and objectives of the Framework. It would also be contrary to DPD Policy DM01 and Policies CS5 and CS7 of the Barnet Local Plan Core Strategy (2012) (CS) which, amongst other things, seek to create a greener Barnet through protecting open spaces including Green Belt and developments to respect local context and distinctive local character.

Effect on heritage assets

17. The CA derives its significance from substantial, traditional individually designed dwellings set within extensive grounds containing mature trees and landscaping. The set back of properties from the highway, landscaping and informal green spaces along the roadside and between the built form positively contribute to the spacious and verdant character and appearance of the area.
18. The proposed development would be unmistakably modern in its appearance. Whilst it would not follow the traditional vernacular of the area it would nonetheless respect local design quality and variety through its bold high-quality design.
19. Whilst the dwelling would be largely hidden from the surrounding area its built form would be somewhat at odds with the established pattern of development in the area. It would not successfully integrate into the area by virtue of its narrow width and small plot. The proposed development would occupy a large proportion of the plot leaving limited space around it appearing as an unduly cramped and incongruous feature eroding the sense of spaciousness that currently exists.
20. In light of the above I find that there would be some harm to the CA. In accordance with paragraph 202 of the Framework, it is for the decision maker, having identified harm to designated assets, to consider the scale of that harm. In this case, I conclude that the proposal would lead to less than substantial harm to the significance of the CA. This harm should be weighed against the public benefits of the proposal including, where, appropriate, securing its optimum viable use, which I now turn to.
21. Based on the evidence before me no public benefits have been presented and taking into consideration the points above the harm to the CA would clearly outweigh the public benefits of the proposal. The proposed development would fail to preserve or enhance the character or appearance of the CA.
22. The proposed development is therefore contrary to CS Policies CS1 and CS5 and DPD Policies DM01 and DM06 which, amongst other things, seek to protect and enhance Barnet's heritage, preserve or enhance local character and developments to have regard to the local historic context.

Impact on trees

23. The site contains a number of trees subject to a Tree Preservation Order. The layout plan indicates that the dwelling would largely lie outside the Root Protection Areas. Careful controls in terms of construction methods, protective measures and installation of utilities could be secured by condition, would safeguard the trees.
24. The spread of trees is a feature of the site and taking into account the layout and position and orientation of windows in relation to the trees there is unlikely to be resultant post development pressure to remove trees on site undermining the character and appearance of the area.
25. As such, based on the evidence before me, I am satisfied that the proposed development would not lead to the loss of or damage to protected trees. It would accord with DPD Policy DM01 which, amongst other things, seeks to adequately protect existing trees and their root systems. In this regard it would also accord with the Totteridge Conservation Area Character Appraisal.

Other considerations and overall balance

26. The appellant has referred to an appeal decision which they consider is relevant to the appeal. However, based on the information before me I am not satisfied that it is comparable to the scheme before me and have given it negligible weight in coming to my decision.
27. I acknowledge that the proposal would not conflict with the purposes of the Green Belt, as set out in paragraph 138 of the Framework. However, this is neutral in the overall planning balance as there would be no additional harm to that already identified.
28. The appellant has drawn my attention to paragraphs in the Framework that promote the efficient use of land and windfall sites. I acknowledge the Framework is a consideration in planning decisions. However, in this particular case, it is not justification to allow inappropriate development.
29. I acknowledge that the proposed development would be located within an accessible location close to services and facilities and would not have a harmful effect upon biodiversity and the living conditions of nearby occupants. However, these matters individually or cumulatively would not outweigh the harm that I have identified.

Conclusion

30. The proposal would be inappropriate development in the Green Belt. It would also result in the loss of openness. I attach substantial weight to this harm, as required by paragraph 148 of the Framework. It would also fail to preserve or enhance the character or appearance of the CA.
31. There are no other considerations in this case that clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

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

B Thandi

INSPECTOR