



Appeal Decision

Site visit made on 7 February 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2022

Appeal Ref: APP/N5090/W/21/3282190

Thatcham Court, High Road, Whetstone, London N20 9QU

- 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 Jeremy, James and Julian Margolin against the decision of London Borough of Barnet.
 - The application Ref 21/0730/FUL, dated 7 February 2021, was refused by notice dated 22 July 2021.
 - The development proposed is demolition of existing bin and general store and construction of a four storey building providing 3no self-contained flats. Associated parking, cycle store, refuse and recycling store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has been brought to my attention that a draft Local Plan is emerging. However, this is at an early stage and currently attracts limited weight. I shall determine the appeal on this basis.
3. The Council has, at appeal stage, confirmed that its first reason for refusing planning permission mistakenly refers to Policy CS10 of Barnet's Local Plan Core Strategy (September 2012) (the CS) as opposed to Policy CS4 of the CS, which relates to housing provision and choice. This adjustment is consistent with the substance of the refusal reason, which cites the appropriateness of the intended mix of units. The appellants have had the opportunity to make observations as regards the relevance of Policy CS4, and I am content that no party with a potential interest is prejudiced by me determining the appeal on the basis of this corrected understanding.

Main Issues

4. The main issues are:
 - The effect of the proposal upon the local housing stock, having particular regard to the mix of housing types; and
 - The effect upon the character and appearance of the area.

Reasons

Mix of housing types

5. Policy CS4 of the CS sets out that successful communities shall be created by, amongst other provisions, seeking to ensure the delivery of a range of dwelling

sizes and types of housing including family and lifetime homes, that meets identified housing priorities. Policy DM08 of Barnet's Local Plan Development Management Policies (September 2012) (the DMP) indicates homes with four bedrooms to be of highest priority and homes with three bedrooms to be of medium priority.

6. The proposal that is before me would exclusively deliver one-bedroomed flats, which does not align with Council priorities that are centred upon the provision of family-sized units of accommodation. Nevertheless, the site under consideration is of limited size and its constraints do not readily lend it to accommodating multiple units of larger accommodation. When also factoring in the modest number of additional units to be provided, I find that the intended housing mix would not undermine the Council's delivery priorities. Indeed, the three additional flats proposed would make valid contributions in the senses of promoting market choice and meeting housing need.
7. For the avoidance of doubt, a 2019 appeal decision¹ that has been submitted and that relates to a site situated elsewhere within the Borough is of limited relevance to my considerations. This is not least because it relates to an entirely different quantum of development.
8. For the above reasons, having particular regard to the intended mix of housing types, the proposal would not cause harm to the local housing stock. The scheme satisfactorily accords with the requirements of Policy CS4 of the CS, Policy DM08 of the DMP and Policy H10 of the London Plan 2021 in so far as these policies set out that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population, and that decision-makers should have regard to the aim of optimising housing potential on sites.

Character and appearance

9. Thatcham Court is a block of flats comprised of a central four-storey element (the central section) that fronts High Road to the west and is flanked by three storey returns to each of its ends, one that faces Thatcham Gardens to the north and the other that addresses Buckingham Avenue to the south. High Road, in the vicinity of the site, is fronted by a variety of built forms of differing heights. Nevertheless, the wider area, including development along Buckingham Avenue, tends to be made up of two-storey detached dwellings often occupying generously sized individual plots.
10. The stepped building heights that can currently be observed to Thatcham Court are sympathetic to the makeup of the site's surroundings and ensure that the central section is set away from low-rise residential development. In contrast, the four-storey building that is proposed, which would exceed the overall height of the central section, would fail to respect the transitions in building height that can currently be observed. Furthermore, being stepped closer to the highway when compared to the three-storey part of Thatcham Court that it would sit alongside, the new building would occupy a particularly prominent position in the streetscene.

¹ APP/N5090/W/18/3205752

11. Therefore, whilst a relatively limited extent of new hardstanding is proposed and the intended architectural style, fenestration and external-facing materials of the new building would be suitably sympathetic to the current composition of Thatcham Court and its immediate surroundings, the height, scale and visual prominence of the proposal would be excessive and lead to an unduly bulky, discordant and over-dominant form of development materialising.
12. For the above reasons, the proposal would cause harm to the character and appearance of the area. The scheme conflicts with Policies CS1 and CS5 of the CS and Policy DM01 of the DMP in so far as these policies set out that proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Other Matters

13. I have noted objections/concerns raised by interested parties with respect to matters including the effects upon sunlight, privacy, existing trees and local parking arrangements. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.
14. Reference has been made to permitted development rights afforded by Class A to Schedule 2, Part 20 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which potentially allows development of up to two additional stories immediately above purpose-built detached blocks of flats. However, Class A is subject to various stipulations and conditions, which include that the developer must apply (before commencing development) for prior approval in connection to a variety of specified matters. To my knowledge, no prior approval application pursuant to Class A has been submitted and/or determined with respect to Thatcham Court. Considering these uncertainties, I attribute limited relevance to any suggestion made that the proposal should be considered in the context of upward development opportunities that potentially avail adjacent to the site.
15. In terms of the scheme's benefits, three additional residential units would be created, and the National Planning Policy Framework (July 2021) reaffirms the Government's objectives of significantly boosting the supply of homes and making an effective use of land. However, three additional units would not make a clear or noticeable difference to the Borough-wide housing supply situation and is a benefit that attracts fairly limited weight.
16. The scheme would also create jobs during the construction phase and provide support to the local economy and local community facilities once occupied. However, these benefits attract limited weight due to the extent of development under consideration.
17. The scheme's benefits, considered cumulatively, would be relatively modest and would not outweigh the considerable harm and associated policy conflicts that I have identified in a character and appearance sense. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

18. Whilst I have found the proposal to be acceptable in respect to its effects upon the local housing stock, I have identified considerable harm and associated policy conflicts in terms of the scheme's effect upon the character and appearance of the area. This harm is the overriding consideration in this case. Thus, for the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR