

Appeal Decision

Site visit made on 18 February 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 1 April 2022

Appeal Reference: APP/N5090/W/21/3281867

Land at 262 Ballards Lane, Finchley, London N12 0ET

- 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 A Levy against the decision of Barnet London Borough Council.
 - The application (reference 21/1159/FUL, dated 1 March 2021) was refused by notice dated 9 August 2021.
 - The development proposed is described in the planning application form as follows:
"Demolition of existing building and construction of a two-storey detached building with additional rooms in the roofspace to provide 5 no. self-contained flats with associated off-street parking, soft landscaping, refuse storage"
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Decision

1. The appeal is dismissed.

Main issues

2. There are two main issues to be determined in this appeal. The first is the effect of the proposed development on the character and appearance of the surroundings. The second is the effect that the proposed development would have on trees close to the site.

Reasons

3. Ballards Lane is a busy through route (the A598), connecting Finchley and North Finchley in a heavily built-up area of London. In the vicinity of the appeal site, which lies between the more commercial centres, the road frontages are predominantly residential in character, with a range of building types and architectural styles.
4. Number 262 Ballards Lane is located at the junction with Christchurch Avenue, which meets the main road at an angle, creating a single plot at the end of this section of the south-eastern frontage along Ballards Road. It is one of a group of three fairly substantial detached properties that form a group of similar buildings dating, apparently from the latter part of the twentieth century. To the north of this group there is a small block of flats, with a frontage of older semi-detached houses beyond.

5. Christchurch Avenue has a more suburban character. It is obviously a much quieter road, lined with pollarded mature London Plane trees (with the occasional newer specimen) set along the footpaths on each side. Houses along the road are mainly semi-detached properties close to the appeal site, but with some detached houses and some bigger buildings. The houses to the north of the appeal site have their rear accesses in Christchurch Avenue, as do the flats beyond, where there is a block of garages facing the road.
6. Number 262 Ballards Lane is a detached dwellinghouse, constructed of brickwork under a hipped tiled roof, in a traditional style. It has a garden that is awkwardly shaped, wrapping around the house adjacent to the road junction, but which is reasonably well screened from public view by high fences at the side and rear. Vehicular access to the rear of the site is provided by a crossover in Christchurch Avenue, which is sited at the corner of the plot, between two mature pollarded trees. Both this crossover and the trees appear to have been in place for many years.
7. It is now proposed to demolish the existing building and to construct a new detached building, containing five flats. The scheme would incorporate associated off-street parking, soft landscaping, refuse storage and so on.
8. The 'National Planning Policy Framework' (which was revised in July 2021) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and creating development that is visually attractive and sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change).
9. An emphasis on the importance of good design is also to be found in the 'The London Plan', notably at Policies 7.4 and 7.6.
10. Similarly, Policy CS1 of 'Barnet's Local Plan (Core Strategy)', dated September 2012, is a general Policy that includes the aim of creating an attractive environment, while Policy CS5 is more directly focussed on achieving "high quality places". Policy DM01 of 'Barnet's Local Plan (Development Management Policies)', also dated September 2012, provides more specific criteria, aimed at achieving high quality design and protecting residential amenities.
11. Attention has also been drawn to the Council's Supplementary Planning Documents, entitled 'Residential Design Guidance' and 'Sustainable Design and Construction', both dated October 2016. Both of these guidance documents address relevant design criteria and considerations, although they do not have the same force as Policies in the Development Plan.
12. The existing house is a pleasant building although it is architecturally undistinguished. Its loss need not be regretted, however, and the site, at the junction of Ballards Lane and Christchurch Avenue is suitable for redevelopment, in principle. The location of the site, fronting Ballards Lane makes it suitable for a more intensive form of development, including flats, if a worthy scheme can be achieved.
13. The proposed new building would be constructed of facing brickwork on the ground and first floors, with a "false mansard" attic floor. The two-storey

brickwork would be somewhat higher than the eaves of the adjoining two houses, though it would not reach the height of the block of flats beyond them. It would also be wider than the existing building, on a larger footprint. Nevertheless, it would not have the appearance of being too tall a building for its location and it would not be too large or bulky an element in the streetscene.

14. The architecture of the proposed building would be contemporary in style without being overtly modernistic. The brickwork external walls would be offset by glass balustrades to private balconies and large window elements, including aluminium feature panels. The false mansard roof slopes would be clad in a grey metal. These slopes could be finished in a more traditional material (such as tiling) but the proposed metal finish would be appropriate in relation to the design as a whole.
15. The surroundings are varied in character and the redevelopment of the site with a more intensive development in a contemporary style would be acceptable in principle. In this case, in short, the scale of the proposed new building and the architectural approach are acceptable in the context.
16. It is also argued that the proposed development would bring about the loss of a mature tree in the highway, due to the need to change the existing access. The highway statement that was submitted with the planning application includes a statement that the project would "require the taking up of an existing tree" but, on the other hand, it is asserted in the appeal submissions (including the latest comment) that the project would not require any changes to the existing access.
17. The proposal drawings show that the new crossover would be relocated to the south-west and I accept that a change would be needed in practice. The effect that the new access would have on trees is uncertain, since the details of the proposed access are unclear and there is a lack of information about the trees themselves, especially in the light of uncertainty whether the position of the trees has been accurately surveyed and in the absence of more detailed arboricultural information.
18. I have formed the opinion that the proposed development could have a significant effect on one or more of the trees in the street and that it is not possible to judge that effect on the basis of the evidence currently provided, even if a balancing exercise were to conclude, for example, that potential harm to a tree could be mitigated or would be outweighed by the benefits of the scheme. In this case, therefore, I have concluded, on the evidence before me, that the potential harm to one or more trees would be unacceptable in planning terms.
19. In reaching that conclusion, I have considered whether conditions could be imposed to overcome the objection but I am of the opinion that the degree of uncertainty is such that a sufficiently precise and enforceable condition (or conditions) could not be devised and that this appeal must fail.
20. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful addition to the supply of dwellings in the locality. I have concluded that the design of the proposed new building would be acceptable in itself and that

the proposed block of flats would not have an unduly harmful effect on the character and appearance of the surroundings. Even so, the scheme as presented would be likely to lead to unacceptable harm to one or more existing trees in the public realm, without the benefit of mitigation proposals.

21. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR