
Appeal Decision

Site visit made on 24 May 2022 by S Witherley CIHCM MRTPI

Decision by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/N5090/W/21/3289493

United Reform Church, Chesterfield Road, Barnet, London EN5 2RE

- 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 Ms Bernadette Cunningham on behalf of Thornsett Be against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/0602/FUL, dated 25 January 2021, was refused by notice dated 5 August 2021.
The development proposed on the application form is: Demolition of existing Church building (as per implemented consent B/03360/14), and the building of a new Church and community centre, 5 number four bedroom homes and 1 number three bedroomed home, as well as 12 car parking spaces.
-

Decision

1. The appeal is allowed, and planning permission is granted for the Demolition of existing Church building and construction of a new Church and community centre. Erection of a new three-storey building consisting of 6no. terraced houses. Provision of total 16no. car parking spaces. Associated amenity space, refuse storage and cycle stores, at United Reform Church, Barnet, EN5 2RE, in accordance with the terms of the application, Ref 21/0602/FUL, dated 25 January 2021, subject to the conditions set out in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of the development given on the application form is set out in the banner heading above. However, in the formal decision above I have used the description given in the Council's decision notice as that describes the development adequately.
4. Both the appellant and Council have referred to a previously approved planning application¹ which has commenced on site but not completed. This approved scheme sought a similar type of development as to the one subject to this appeal, however, there are differences between the schemes, including the design and the number of residential units proposed. Whilst I have given consideration to the previously approved scheme and noted the differences

¹ planning ref: B/03360/14

between them, I have, nevertheless, assessed this proposal on its individual merits.

Main Issues

5. The effect of the proposal on:

- The character and appearance of the appeal site and surrounding area;
- The living conditions of the nearby occupiers particularly those of Nos. 1 – 10 Eleanor Gardens, in regard to sense of enclosure and outlook;
- Biodiversity; and
- Parking and sustainable travel.

Reasons

Character and Appearance

6. The appeal site comprises of a single storey Church set forward in a relatively large plot in a predominately residential area. The surrounding area contains a mix of properties ranging from single storey bungalows, two storey semi-detached/terraced properties and large three storey blocks of residential and mixed-use units. Properties are generally set back from the highway, however, the separation distance between properties varies greatly, with some sitting relatively close to neighbouring flank walls and others having a greater gap between them.
7. Many of the surrounding properties appear to be from the inter war period with groups of properties sharing similar architectural features such as steep pitched roofs, gable fronts and similar palettes of materials. As such, the area has a cohesive suburban character and appearance which overall makes a positive contribution to the area.
8. The proposal seeks to demolish and replace the existing Church with a two-storey building that would also function as a community centre. At the rear of the Church, the proposal seeks a three-storey terrace block containing 6 new dwellings.
9. The proposed Church would be sited slightly forward of the building line of the existing Church and closer to the shared boundary with No. 87 Chesterfield Road. Whilst this would see the existing open areas at the front and side reduced compared with the existing situation, the proposed mix of soft and hard landscaping ensures that an open and set back aspect to the front and sides of the appeal site is retained, albeit smaller in scale. The remaining separation distance between the proposal and No. 87 would be similar to other properties that overlook this section of Chesterfield Road. As such, it would not appear as an overly dominant addition in the streetscape, nor would it appear cramped or shoehorned into its respective plot.
10. The design of the Church incorporates a tower like feature at one end in the form of an asymmetric gable that projects above the main roof of the proposed building. The overall height of this tower would be similar to the ridge height of the neighbouring three storey residential block. Whilst the tower would

appear prominently in views from the surrounding area, features such as these are characteristic of buildings such as Churches. Indeed, it is these distinguishing architectural features that ensure buildings of this type are identifiable with its functions easily ascertained within the community it sits.

11. The main body of the proposed Church would have a traditional pitched roof with its ridge set down from the tower and set below the ridge line of the neighbouring three storey building. This reduced ridge height ensures the proposal would appear subordinate in street views and would be in keeping with the existing and well-established neighbouring three storey property.
12. Its modern design with features such as its pitched roof, its set back position from the highway and separation distance between neighbouring properties, ensures that proposed Church would assimilate well with the existing built form that surrounds it. Whilst there may be limited architectural and fenestration detail on the north western elevation, this is not unusual for buildings of this type and stature. Overall, as a result of its high-quality design, overall height, mass and siting, the proposed Church would appear as an attractive and distinguished addition in the street scape and would sit comfortably in its surroundings.
13. Compared with the previously approved scheme, the proposed 6 residential units would be positioned closer to the rear of the proposed Church and closer to the shared boundary with the neighbouring properties in Eleanor Gardens. Nevertheless, the separation distance from the proposed units and the existing residential dwellings located along Eleanor Gardens conform with the guidance set out in the Sustainable Design and Construction SPD 2016 (SDC), as confirmed by the Council. Furthermore, given the proposed residential units would have a lower ridge height than the previously approved scheme, their overall design, including that of the flat roof, scale, mass and staggered formation, ensures they would not appear overly prominent or overbearing in the context of the appeal site or wider street scape.
14. I acknowledge that the proposal would see an increase in the built development, hard landscaping and vehicle access and parking on the site. However, the site context, along with the variation of the built development that surrounds the site, the open nature of the proposed gardens, along with the proposed landscaping scheme elsewhere within the appeal site, ensures the proposal would appear in keeping with the verdant and open character seen elsewhere in the locality. It would not, therefore, appear cramped or overbearing in the context of the appeal site or the wider streetscape, thus would appear well related and in keeping with its setting and local character. An aim that the Local Plan Supplementary Planning Document Residential Design Guidance (2016) (SPD) seeks development to achieve.
15. On this main issue, and having taken all of the above into consideration, the proposed development would appear well suited to the site and wider street context. It would not, therefore, harm the character or appearance of the appeal site or the surrounding area. Consequently, it accords with Policy DM01 of Development Management Policies Development Plan Document (2012), (DMPDPD), CS5 of Local Plan Core Strategy (2012) (CS), Policy D3 of the London Plan (2021) (LP), The National Planning Policy Framework (2021) (the Framework), and SDC, which amongst other things collectively seek developments to ensure good design and responds positively to reinforcing the

local character and would appear well suited to the site and wider street context.

Living Conditions

16. The proposed residential units would be sited in a staggered formation, and this along with their separation distances, overall design, scale and mass, ensures they would not appear overbearing or visually obtrusive when viewed from either the inside or outside of those properties located along Eleanor Gardens. As such, the proposal would not result in undue harm to the living conditions of occupiers living in Eleanor Gardens as a consequence of an overbearing outlook.
17. Whilst the outlook afforded to the occupiers of these neighbouring properties, from both the internal and external areas, would as a result of the proposal change, this does not necessarily equate to harm.
18. On this main issue, the overall proposal would not cause unacceptable harm to the living conditions of the nearby occupiers, particularly those of Nos. 1 – 10 Eleanor Gardens, in regard to sense of enclosure and outlook. The proposal therefore accords with Policy CS5 of the CS, Policy DM01 of the DMPDPD, the SPD and the SPC. Among other things, these seek to ensure that all development represents high quality design, protects, and enhances the gardens of residential properties and is designed to allow for adequate privacy and outlook for adjoining occupiers.

Biodiversity

19. The planning application was accompanied by a Bat Scoping & Activity Survey (BSAS). This was dated, as noted by the Council, *March 2021*. However, since that time, a further BSAS dated *September 2021* has been submitted with this appeal and which the Council has commented upon.
20. The Council note that the information provided within the BSAS dated September 2021 provides sufficient information to enable a proper assessment of the impact of the development and accept mitigation and enhancement measures can be introduced to prevent adverse impacts upon the protected species.
21. Having considered all the evidence including the proposed mitigation and enhancement measures, along with the Council's further comments, it is considered, on this main issue, subject to conditions, that the proposed development would not have a negative effect on biodiversity, with particular reference to bats.
22. The proposal, therefore, accords with Policies DM01 and DM16 of the DMPDPD, Policy G6 of the LP and paragraph 180 of the Framework. Which amongst other things collectively seek development to contribute to and enhance the natural and local environment by minimising impacts on biodiversity.
23. The Council referenced Policy G7 of the LP in its refusal reason, however, this Policy relates to trees and is not considered determinative in this matter.

Parking and Sustainable Travel

24. Policy DM17 of the DMPDPD (g) *Parking management* sets out the maximum standards for residential development and states that for a terraced house or flat with 2/3 bedrooms, the maximum on-site parking required is 1 to 1.5 space per unit. It also states that for a detached/semi-detached and flat with 4 or more bedrooms the maximum requirement for on-site parking is 1.5 to 2 spaces.
25. The development proposes to use an existing access into the site and provide No. 11 on-site residential parking spaces and No. 5 on-site parking spaces for Church users. Whilst the Council agree that the proposed number of on-site parking spaces for the residential use would meet with the aforementioned Policy requirements, they state that no justification for the number of parking spaces has been provided for the Church. Furthermore, they note the proposal would not provide for safe vehicle manoeuvrability and accessibility within and into the site.
26. It is understood from the evidence submitted that the existing Church provided No. 3 on-site parking spaces, and this has not been disputed by the Council. The proposal, as noted, would provide a total of No.5 on-site parking spaces with two spaces allocated to disabled users. It is not anticipated, nor has any evidence to the contrary been submitted, that suggests the Church would require an increase in the number of on-site parking provision over and above that of the previous use as a Church. Furthermore, no evidence has been submitted which demonstrates the previous Church led to a significant increase in off-street parking. As such, the proposed on-site parking spaces is considered appropriate for the Church use. A car parking survey is not required in this instance having regard to the requirements as set out in Policy DM17.
27. Having reviewed the vehicle tracking plan provided by the appellant, which the Council has commented upon, this shows clearly that safe access into and within the site can be achieved, albeit in some instances a number of manoeuvres would be necessary. With no demonstrable technical evidence to the contrary, it is considered that safe access and manoeuvrability into an out of the site would, therefore, be achieved.
28. Policy DM17 of the DMPDPD also sets out that a Travel Plan and Transport assessment are required for significant trip generating developments, and where the proposed development is anticipated to have significant transport implications, these impacts are considered.
29. The proposal would generate more trips to and from the site as a result of the residential use alongside the Church use. However, it is not anticipated that these trips combined would generate a significant uplift that would give rise to an adverse transport impact on the existing highway network. No evidence has been submitted which indicates that there have been any significant transport implications, issues with parking congestion on the street, or accident and crash data, as a result of the existing use at the site. Furthermore, each property would have sufficient off-road parking and the level of traffic generated by the occupants of these additional homes would be minimal and unlikely to have any notable impact on overall traffic levels in the area.

30. From what I saw on site and from the evidence submitted, even if parking were to take place off site, there would be no detriment to highway safety. Given the above, along with the proposed scale and nature of the development, and without any demonstrable evidence to the contrary, it is considered that the transport impact of the development would be not significant or result in significant impacts on the highway. A Transport Assessment and Travel Plan is not, therefore, considered necessary in this instance, as set out in Policy DM17.
31. Having regard to the above, the proposed development is considered acceptable in terms of parking and sustainable modes of transport. It, therefore, accords with Policy C9 of the CS, Policy DM17 of the DMPDPD and Policy T2, T4 and T6 of the LP, that seek proposals to take into account the safety of all road users, is well laid out in terms of access and car parking, and does not unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

Other Matters

32. Several representations were received from interested parties raising various grounds of objections. I consider that the proposal would represent good design and that it would assimilate well into its surroundings. I have considered the position and scale of development and I do not consider that the development would cause any significant harm to the occupiers of neighbouring residential properties as set out in the reasons above.
33. Matters related to parking and traffic build up have been addressed above. Whilst some disruption may occur during construction the working arrangements would be controlled through the imposition of a condition to require the submission and implementation of a Demolition and Construction Method Statement (DCMS) and I am satisfied that this would ensure that the impact on the highway and on neighbouring amenity during construction would be adequately mitigated.
34. Concerns were raised regarding the habitation of Bats. The submitted BSAS dated September 2021 is considered acceptable, and as set out above, subject to suitable condition, would secure mitigation and enhancement measures, the proposal would not have a negative effect on biodiversity.
35. Other matters including drainage, flooding issues, fear of crime, air quality including that from idling vehicles, and the provision of social housing were also raised. However, these matters were not raised by the Council as issues. I have not been presented with any evidence to suggest that there are any concerns in regard to these matters and have no reasons to consider a different view from the Council on these matters.
36. Whilst I understand the various concerns of interested parties, it is necessary to base planning decisions upon appropriate evidence. The majority of the matters raised are not founded upon evidence. I have had regard to all these matters; however, they do not outweigh my findings on the main issues and that the appeal proposal is acceptable.

Conditions

37. I have considered the conditions suggested by the Council and have attached those which meet the relevant tests, as set out at paragraph 55 of the National

Planning Policy Framework, making changes to the wording, where necessary, in the interests of precision and clarity.

38. The standard time limit condition is necessary to ensure that the development is built in accordance with the submitted plans for certainty. To safeguard the appearance of the area, it is necessary that samples of the external materials, boundary treatments and details of the hard and soft landscaping be submitted for approval in the interest of character and appearance and to ensure the development integrates with the surrounding buildings.
39. No engineering details for the construction of the level of the buildings, driveways and footpaths in relation to the site and the adjacent highway have been provided and, consequently, it is necessary to attach a condition requiring that these be submitted for approval in order to protect the amenity of the area. As some of these works would be necessary to be undertaken very early on in the construction period it is necessary that this be a pre – commencement condition.
40. A Construction Method Statement condition is necessary to control the manner in which the development is carried out and to protect neighbouring amenity. This will be required to be in place for the entire duration of the construction period and, consequently, this must be a pre-commencement condition.
41. The proposed development is in proximity to a number of trees. In order to ensure the trees are appropriately protected during the construction period, it is necessary to impose a condition that requires that the submitted protection measures are implemented. These will be required for the entire duration of the construction period; therefore, it is necessary that this condition is a pre-commencement condition. I have reworded the Council's condition to ensure clarity and to secure the measures as set out in the 'Report on the impact on trees', by John Cromar's Arboricultural Company Limited dated November 2020.
42. A condition that seeks to secure the mitigation and enhancement measures contained in the submitted Report 5435,EC/BAT/JB,KL/07-09-21/V1, Geosphere Environmental, September 2021, is reasonable and necessary in the interest of nature conservation.
43. The Council's suggested water supply condition which refers to 100% of the water supplied to the dwellings are to be supplied by mains water through a water metre is considered reasonable and necessary, in the interest of water conservation.
44. To ensure that the development maximises inclusive access for its occupiers, it is necessary that the new dwellings are constructed to comply with the requirements of M4(2) (accessible and adaptable dwellings) of the Building Regulations. I have therefore imposed a condition to that effect, in line with local policy requirements.
45. The Council has suggested a condition that seeks the incorporation of carbon dioxide reduction measures of 10%. I consider in the interest of carbon reduction this is reasonable and necessary having regard to local policy requirements.
46. Details of the refuse storage areas, cycle storage areas, parking layout and vehicular access are all contained within the drawings and the waste collections

would be in accordance with the Council's waste disposal scheme. Further conditions requesting this information is not considered reasonable or necessary.

47. The Council seek to add a condition to control the access to the roof areas for repair and maintenance only and prevents the use as a terrace, roof garden or similar amenity area. However, there is nothing before me that suggest the roof areas would be used as a terrace or similar area, therefore, I do not consider this condition to be reasonable or necessary. Any future development that requires planning permission would be subject to a separate planning application.
48. The Council seek a condition that requires *the relevant part of the development* to have a certificate demonstrating compliance with Secured by Design standards. This is too imprecise and would leave the appellant uncertain as to what the relevant parts of the development were, and it would be difficult to enforce given that a third party would be involved in the certification process. This condition is not considered reasonable or necessary.
49. The Council seek a condition which secures the opening times for the Church and community building. No supporting evidence has been provided which suggests that the existing use and opening hours of the Church has been detrimental to the living conditions of nearby residents. This condition is not considered necessary or reasonable.
50. The Council wish to attach a condition which secures the use class of the Church and community centre. Any future change of use from that granted and that requires planning permission would be subject to a separate planning application. This condition is not considered necessary or reasonable.

Conclusion

51. For the reasons given above and having had regard to all other matters raised, there are no material considerations that indicate the decision should be made other than in accordance with the development plan. I recommend that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

52. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

J Hunter

INSPECTOR

Schedule of Conditions

1. This development must be begun within three years from the date of this permission.

2. The development hereby permitted shall be implemented in accordance with the following approved plans and documents:

299-A-P-101 revA;
299-A-P-102 revA;
299-A-P-110;
299-A-P120 revB;
299-A-P-154;
299-A-P-155;
299-A-P-600;
299-A-P-301 revB;
299-A-P-302;
299-A-P-350;
299-A-P-351;
299-A-P-352;
299-A-P-353 revA;
299-A-P-354 revA;
299-A-P-355;
299-A-P-356 revA;
299-A-S-252;
299-A-M-750;
299-A-E-357 revA;
299-A-E-358 revA;
299-A-P-140;
299-AP-150;
299-A-P-151;
299-A-P-152;
299-A-P-153;
299-A-S-250;
299-A-S251.

Bat Report (Geosphere Environmental, March 2021).

Preliminary Roost Assessment (Geosphere, January 2021).

Design and Access Statement (Gatti Routh Rhodes, January 2021).

S191-J2-IA 1 REPORT on the impact on trees of proposals for development at St. Andrews URC Church, Chesterfield Road, Barnet, EN5 2RE (20th November 2020).

Email from Pell Frischmann (Transport note), 10 February 2020.

Report 5435, EC/BAT/JB, KL/07-09-21/V1, Geosphere Environmental, September 2021.

3. No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for;

- the parking of vehicles of site operatives and visitors;

- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- delivery, demolition and construction working hours;
- noise mitigation measures for all plant and processors.

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

5. No development shall take place on site until the tree protection measures detailed in the 'Report on the impact on trees of proposal for development at St Andres URC Church, Chesterfield Road, Barnet, EN5 2RE' by John Cromar's Arboricultural Company Limited, dated November 2020, or any subsequent amendments to this document have been implemented and said measures shall be retained for the duration of the construction works. If any unforeseen, additional or alternative measures required to protect the health and retention of the trees and hedges are identified during the construction phase that have not been identified in the above documents, work on site shall cease and a meeting on site shall first take place with the local planning authority to agree the additional measures and approval shall be given in writing by the local planning authority. The approved scheme shall be carried out before the development is resumed or continued and the agreed measures shall be retained thereafter.
6. No development above ground level shall be commenced until a detailed scheme of the hard and soft landscaping, including details of the retained trees and the use of surface materials has been submitted to and approved in writing by the Local planning Authority. In the event of failure of any trees or shrubs planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such numbers as may be approved by the Local Planning Authority.
7. Notwithstanding the submitted drawings, no external materials shall be used on any part of the development, hereby approved, until samples of the materials, colours and finishes to be used on that part of the external surface of the development have been made available for inspection and are subsequently approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the materials as approved.
8. The development hereby permitted shall not be occupied or brought into use until the mitigation and enhancement measures set out in section 5 and 6 of the Report 5435, EC/BAT/JB, KL/07-09-21/V1, Geosphere Environmental, dated September 2021 have been implemented in full. Thereafter, those measures shall be retained and maintained for the lifetime of the development.
9. The development hereby permitted shall not be occupied or brought into use, until details of all boundary treatments shall have been erected and/or planted in accordance with details that shall first have been submitted to and approved in

writing by the Local Planning Authority. Thereafter the boundary treatments shall be retained and maintained as approved.

10. Prior to the first occupation of the new dwellinghouse (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings-based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
11. The development hereby permitted shall not be occupied or brought into use, until details shall be submitted to and approved in writing by the local planning authority demonstrating that each new dwelling has been designed and constructed to accord with Part M4(2) of the Building Regulations.
12. The development hereby permitted shall not be occupied or brought into use until it is constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% 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.