



Appeal Decisions

Site visit made on 22 June 2022

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal A Ref: APP/N5090/C/21/3273421

32 Watling Avenue, EDGWARE, HA8 0LR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Z Rahimi Arsalan Collection Ltd against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The notice, numbered ENF/1279/20, was issued on 12 March 2021.
 - The breach of planning control as alleged in the notice is the erection of a raised timber decking and a wooden display rack at the front of property.
 - The requirements of the notice are to 1 Demolish the raised decking and wooden display rack. 2 Permanently remove all constituent materials resulting from the works.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/N5090/W/21/3273423

32 Watling Avenue, EDGWARE, HA8 0LR

- 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 Zabiullah Rahimi against the decision of London Borough of Barnet.
 - The application Ref 20/5838/RCU, dated 7 December 2020, was refused by notice dated 8 March 2021.
 - The development proposed is front raised timber decking and wooden display rack.
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Decisions

Appeal A

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

2. The appeal is dismissed.

Section 78 appeal and Section 174, ground (a) appeal

3. These appeals both relate to the same development, the raised timber decking and wooden display rack erected on the front forecourt of appeal property.
4. The main issue in both appeals is the effect of the development on the character and appearance of the host building, area and the Watling Estate Conservation Area. The statutory duty in relation to the Conservation Area

requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area¹ and the National Planning Policy Framework 2021 ('the Framework') advises that great weight should be given to the designated heritage asset's conservation.

5. The Watling Estate Conservation Area Character Appraisal July 2007 ('the Character Appraisal') helps to assess the significance of conservation area as a heritage asset. The significance of the CA overall comes primarily from its historic and architectural interest as an example of 1920s public housing which adapts the vernacular architectural style of the Arts and Crafts movement to suit the needs of a large, low cost housing estate. The front page of the Character Appraisal has an old photograph of Watling Avenue which shows canopies and structures on forecourts in front of the ground floor shops on a busy street. It formed the primary shopping area within the Watling Estate as built by the London County Council in the 1920s. The appraisal states that on Watling Avenue the trading and associated grill and cage structures spill onto the wide pavement in front of the shops, which adds to the vibrancy of the area but can also look untidy and unattractive. Watling Avenue, and the appeal property as a shop within the high street, contributes to the vibrant and busy retail street scene within the planned layout of the wider residential estate.
6. The development is constructed from light coloured, unpainted wood which is not a traditional material or finish such as brick and paint seen in the vicinity, or the more modern materials used on the replacement shop fronts. The raised decking extends over the wide forecourt in front of the shop to the edge of the pavement, with a rack which can accommodate life-size shop dummies along one side.
7. Whilst I accept that there are a variety of design of shop fronts in the area, the development looks incongruous and jarring in its location as it is clearly permanent, unlike many of the other temporary structures and traditional canvas blinds and canopies along the street. The development appears unfinished and out of place so close to the pavement. When viewed in contrast to the scale, proportion and materials of the other units, the majority of which have standard flat shop fronts, the development is overly prominent and out of character. The development therefore causes material harm to the host property, street scene and character and appearance of the area and the Conservation Area.
8. The harm caused to the significance of Conservation Area as a designated heritage asset is less than substantial in the terms as set out in the Framework. It is therefore necessary to consider whether there are any public benefits which outweigh the great weight that must be attributed to this harm.
9. The appellant argues that the development supports the business operating in the host property economically by providing a more active shop frontage, and that as such should be supported in the wake of the Covid Pandemic. In addition, the ramp onto the decking allows for access by those with restricted mobility or prams which clearly has a public benefit as well as the purely commercial benefit to the appellant. However, the appellant has not explained why a temporary structure of a more sympathetic design could not similarly achieve the same benefits. In addition, as there is no evidence before me to explain why the development is required to make the business sustainable, I

¹ Section 72(1), Planning (Listed Buildings and Conservation Areas) Act 1990

afford these factors little weight as they do not outweigh the harm to the Conservation Area that I have identified above.

10. For the reason set out above, the development causes harm to the host property, street scene and Conservation Area. This is in conflict with Barnet's Local Plan September 2012 including Policies DM01 and 02 that seek to secure high levels of design that respect local character, Policy DM06 which advises that development must preserve or enhance the character and appearance of the conservation area and the London Plan 2021 Policy HC1 which provides that development proposals should conserve the significance of heritage assets. As there are no other considerations of sufficient weight to overcome this harm, the appeal on ground (a) fails and the deemed application for planning permission is refused.

Section 174, ground (g)

11. The appellant seeks 12 months in which to comply with the requirements. As I have found material harm as set out above, and as the works required are relatively modest in scale, I find that 6 months is proportionate in all of the circumstances and the appeal on ground (g) fails.

Zoë Frank

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/N5090/C/21/3273421	Mr Z Rahimi Arsalan Collection Ltd
Appeal B	APP/N5090/W/21/3273423	Mr Zabiullah Rahimi