



Appeal Decision

Site visit made on 14 September 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2022

Appeal Ref: APP/N5090/W/22/3295152

47 High Street, Barnet EN5 5UW

- 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 Baran Clarke (Clarke Property Group) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/0253/FUL, dated 18 January 2022, was refused by notice dated 17 March 2022.
 - The development proposed was initially described in part as *"amendment to the shopfront, leaving all original brickwork around the entrance door intact. The proposed change will be for the purpose of allowing wheelchair/disabled access"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council altered the description of the development during the consideration of the planning application to read "removal of existing brick work on front elevation and insertion of 2No. double doors for disabled access". This is a more concise description of the proposal and removes a large amount of superfluous text from that set out in the application form. I have determined the appeal accordingly.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Wood Street Conservation Area (WSCA).

Reasons

4. The appeal property lies on Barnet High Street close to its junction with Wood Street. It is a distinctive three storey red brick and render building with timber detailing on the upper floors and a decorated glazed blockwork façade at ground floor. The ground floor façade of the building is double fronted with a central entrance door and windows either side. The original door and windows and a section of the stall risers beneath both the windows having been removed previously.
5. The appeal property is located within the WSCA, the historical significance of which is derived from its development as a marketplace and later through the development of the railways. The area has a typical mix of high street uses such as shops, pubs and food outlets. The appeal building is a prominent and distinctive feature within the WSCA and is locally listed for its architectural and historical interest.

6. The appeal scheme involves the removal of the remainder of the glazed blockwork stall risers below both windows in the front elevation to allow larger openings to be fitted. The appellant states that the works are required to facilitate disabled access into the building.
7. The proposed right-hand side opening would be flush with pavement level, however below the left-hand window there is a significant step from the sloping pavement to the stall riser which would not lend itself easily to providing disabled access. Despite the stall risers below the windows not being intact, what does remain forms a significant and distinctive element in the façade of the building. The result would be an inappropriate loss of detail and original fabric from the building. The removal of the stall risers would create large voids in the façade of the building and thus be harmful to its character and appearance. Furthermore, no substantive evidence has been submitted to explain that there are no alternative means to achieve such access through, for example, a side door into the building or that the existing central door does not meet current requirements for disabled access.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area (CA). In considering the effect of the proposal on the CA the impact must be weighed against the harm it would have on the heritage asset.
9. The proposal would introduce a form of development which, given the building's position would be prominent when viewed from within the WSCA. As such, inappropriately detailed replacement windows which together with the loss of detailing and the remainder of the glazed blockwork stall riser would appear unacceptable in this context. The harm to the CA which would arise as a consequence would, nevertheless, be less than substantial. Moreover, any scheme requires clear and convincing justification.
10. Paragraph 202 of the National Planning Policy Framework (the 'Framework') states that where the harm is less than substantial, this harm should be weighed against the public benefits of the proposal. Other than providing disabled access into the building no other benefits have been suggested. Whilst this would be a public benefit to which I attach moderate weight, it would not outweigh the harm that I have found.
11. The proposal would therefore adversely affect the character and appearance of the host building and consequently would not preserve or enhance the character and appearance of the CA. As such it would conflict with Policy CS5 of the London Borough of Barnet (Core Strategy) Development Plan Document 2012 and with Policies DM01 and DM06 of the London Borough of Barnet Local Plan (Development Management Policies) Development Plan Document 2012. Together, these policies seek to ensure that new development respects local context and distinctive local character, particularly with regard to the historic environment.
12. The Council have referred to the Wood Street Conservation Area Character Appraisal Statement in the refusal reason, however, this document does not form part of the statutory development plan for the Borough and does not include policies against which proposals can be assessed. Nevertheless, public benefits do not exist which would outweigh the harm I have identified;

therefore, the proposed development is contrary to the heritage aims of the Framework.

Other Matters

13. In considering the appeal proposal, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age.
14. The proposed development would allow persons with disabilities to access the building. However, this must be balanced against the harm to the character and appearance of the building within the WSCA identified above. I am not persuaded that there are no alternatives to the appeal proposal that could deliver similar benefits without conflict with the development plan. Moreover, the information before me provides insufficient evidence to show that the proposal would achieve its stated aims, given the differences in internal and external levels at the proposed openings. Therefore, whilst I acknowledge the desire of the appellant to provide such access, I have not been persuaded that the proposal before me is the only means of achieving this. I conclude that these are not matters which outweigh the significant harm that would be caused by the proposal to the character and appearance of host building and the WSCA.

Conclusion

15. For the reasons given above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

K L Robbie

INSPECTOR