



Appeal Decision

Site visit made on 4 October 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/N5090/C/22/3294501

23 Watling Avenue, Edgware HA8 0LQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Farid Hasanzadeh against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice was issued on 27 January 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a permanent pole canopy to the front of the premises.
 - The requirements of the notice are:
 - 1 Dismantle the pole canopy structure
 - 2 Permanently remove all constituent material resulting from the necessary works carried out in point 2.
 - The period for compliance with the requirements is 2 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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Decision

1. The appeal is dismissed, and 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.

The Appeal on Ground (a) and the Deemed Planning Application

Main Issue

2. The main issue is whether the development preserves or enhances the character or appearance of the Watling Estate Conservation Area (CA).

Reasons

3. The appeal relates to a two-storey mid terrace property, situated within the main shopping area on the Watling Estate. The site lies within the Watling Estate Conservation Area (CA).
4. The Watling Estate Conservation Area Character Appraisal, 2007, explains that the character of the CA is distinctive in terms of its layout, form, scale and building designs and typical of Garden City planning. The buildings in the shopping area are generally two storeys high with steeply pitched roofs with dormers and prominent chimneys. They are mostly built in red brick, with the occasional use of render, clay tile with brick and stone detailing. Timber sashes

and casements predominate. These distinctive characteristics make a positive contribution to the significance of the CA.

5. The current permanent pole canopy to the front of the premises comprising metal poles, is at odds with the more traditional materials found elsewhere in the CA. Owing to its poor quality design and prominent position to the front of the building, the development represents a visually discordant and incongruous feature within the street scene, which is harmful to the character and appearance of the terrace, and the area generally. As such, it fails to preserve or enhance the character or appearance of the CA. I note that there are various canopies and alterations to shopfronts in the vicinity of the appeal site, many of which are also detrimental to the street scene. As such, the presence of these does not justify the harm identified above.
6. The harm that I have identified above would be 'less than substantial' in the context of paragraph 202 of the National Planning Policy Framework, 2021 (the Framework). Accordingly, this should be weighed against the public benefits of the development. I acknowledge that the development benefits the appellant's business by the provision of an additional area for the display and sale of goods on the forecourt, and that this adds to the vibrancy of the shopping area. However, these modest benefits are insufficient, in my view, to outweigh the harm I have identified to the CA and to which I afford considerable importance and weight. Furthermore, I also consider that there are alternative design options that could be explored which do not harm the character and appearance of the building and CA.
7. I therefore conclude that the development fails to preserve or enhance the character or appearance of the CA as a whole. As a result, it conflicts with Policies DM01 and DM06 of Barnet's Local Plan (Development Management Policies), 2012, and Policies CS1, CS5 and CS6 of the Barnet's Core Strategy, 2012, which amongst other things seek to protect and enhance parades of shops and ensure that development is of high quality design; compatible with the scale and character of existing development; and preserves the character and appearance of conservation areas. It also fails to accord with the Framework which seeks to conserve and enhance the historic environment.

Conclusion on Ground (a) and the Deemed Planning Application

8. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

The appeal on Ground (g)

9. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant asks that the time for compliance is extended from two to twelve months and states that the current compliance period is unreasonable and impractical as it does not allow him sufficient time to complete the requirements.
10. The time for completing the requirements should be what is reasonably considered necessary to complete the requirements. I consider that the 12 months requested by the appellant to comply with the notice is disproportionately excessive. The removal of the unauthorised development does not appear to involve any complex works. I therefore conclude that two

months would be a reasonable and proportionate time to comply with the notice.

11. Accordingly, the appeal on ground (g) fails.

Conclusion

12. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan

INSPECTOR