
Appeal Decisions

Site visit made on 20 September 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2022

Appeal A - Ref: APP/N5090/W/21/3283888

60-65 Okehampton Close, North Finchley, London N12 9TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Moshe Baumrind against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/1065/PNV, dated 26 February 2021, was refused by notice dated 19 April 2021.
 - The development proposed is Erection of additional two storeys to existing three storey block of flats and associated creation of 4 additional residential units (4 x 1 bedroom units).
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Appeal B - Ref: APP/N5090/W/22/3290104

60-65 Okehampton Close, North Finchley, London N12 9TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Moshe Baumrind against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/5624/PNV, dated 20 October 2021, was refused by notice dated 2 December 2021.
 - The development proposed is the upwards extension of the existing 3 storey block of flats to include 1no. additional storey in order to facilitate the addition of 2no. residential dwellings (Class C3).
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Decision

1. Both appeals are dismissed.

Procedural Matters

2. In relation to Appeal A the Council originally had concerns with regard to the age of the building. Development is not permitted under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended) (the GPDO) if the building was constructed before 1st July 1948.
3. However, the evidence indicates that further submissions were made to the Council with regard to this matter in which it was argued that the building was constructed after 1st July 1948. The Council appear to accept that the proposal would be in line with the requirements of the GPDO at Schedule 2, Part 20, Class A, A.1(c) and have not included this as a reason for refusal on Appeal B. Having considered the evidence, I have no reason to disagree with this position.

Preliminary Matters and Main Issues

4. Under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats along with associated works detailed by the GPDO, subject to limitations and conditions.
5. Where development under Class A is proposed the developer must apply to the Local Planning Authority (LPA) for prior approval of the authority as to a range of matters.
6. One such matter is transport and highways impacts of the development - A.2 Conditions (1)(a). Another is the external appearance of the building - A.2 Conditions(1)(e). It is in relation to these matters that the Council has concerns. These therefore form the main issues in both appeals.

Reasons

Highways Impacts

7. The public roads within the immediate vicinity of the building fall within the North Finchley Controlled Parking Zone (CPZ). The survey¹ included within the evidence indicates that the area is subject to a high degree of parking stress. The potential additional on street parking demand associated with both schemes could not therefore be accommodated on the surrounding streets.
8. Drivers seeking to park within an area of parking stress could be forced to resort to unsafe parking and manoeuvring which could impede the free flow of traffic and detrimentally affect highway safety. Parking stress would be increased.
9. The appellants propose the imposition of a planning condition which would seek that a scheme be agreed in writing with the LPA and implemented to ensure that no future occupier of those additional properties shall obtain a resident parking permit within any controlled parking zone within the Borough.
10. The evidence indicates that the Traffic Management Order (TMO) would have to be modified to exempt the occupiers of the new flats of eligibility for parking permits. It further indicates that a financial contribution to the Council would be required to amend the TMO. Without such a contribution, I do not consider it likely that the Council would amend the TMO. A condition should not be used to require the payment of money. This could only be secured through a planning obligation, but there is not one before me.
11. Planning Practice Guidance² advises that a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence will only be appropriate in exceptional circumstances where there is clear evidence that the delivery of particularly complex development schemes would be at risk. The proposal is small in scale and would not represent an exceptional circumstance.

¹ Transport Technical Note – Mode Transport Planning September 2021.

² 'PPG' Paragraph: 010 Reference ID: 21a-010-201907.

12. Both Appeal A and Appeal B would therefore be unacceptable in terms of the transport and highways impacts of the development.

External Appearance

13. The existing building consists of three storeys, finished in render and including a flat roof. It sits closely to the north of and is visible through trees and planting on the northern side of Friern Park.
14. The design proposed under Appeal A would see two additional storeys added to the building. Whilst this extension would also incorporate a flat roof, it would overall have a very uncomfortable and obtrusive appearance set atop the existing building.
15. In particular this would arise as a result of the termination of the existing bay window features for replacement with French doors at either end of the building on the additional floors.
16. The extension would almost appear as a different building dropped on top of that existing, the differing window design departing from the existing lattice style design and the two-storey design compounding the adverse visual impact. Appeal A would therefore be unacceptable with regard to the external appearance of the building.
17. The external appearance of the building under Appeal B however would be acceptable, with a mansard roof style design that would be entirely appropriate in terms of the visual appearance of the building and surrounding area.
18. The design and the additional storey of Appeal B would not be out of place within what is a mixed street scene which does incorporate four storey residential dwellings in close proximity to the site on Victoria Grove to the west. The external appearance of the building would therefore be acceptable in relation to Appeal B.

Conclusion

19. For the reason given above, I conclude that both Appeal A and Appeal B should be dismissed.

T J Burnham

INSPECTOR