



Appeal Decision

Site visit made on 5 September 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2022

Appeal Ref: APP/N5090/W/22/3295904

140 - 146 Brent Street, Barnet, London NW4 2DR

- 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 ALNI Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/0956/FUL, dated 19 February 2021, was refused by notice dated 29 September 2021.
 - The development proposed is the provision of a third storey to the building in order to create an additional three self-contained residential units.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of a third storey to the building in order to create an additional three self-contained residential units at 140 - 146 Brent Street, Barnet, London NW4 2DR in accordance with the terms of the application, Ref 21/0956/FUL, dated 19 February 2021, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The address above is taken from part D of the appeal form and the Council's Decision Notice. This is in the interest of accuracy and clarity.

Main Issues

3. The main issues are
 - the effect of the development on the character and appearance of the existing building and surrounding area; and
 - the effect of the development on highway safety.

Character and Appearance

4. The appeal site is located along Brent Street, a lengthy and busy mixed-use street. Surrounding the appeal site the street is characterised by terraces of differing heights, from two to four or five storeys, generally with a variety of commercial uses on the ground floors and residential above. The buildings around the appeal site are of varying appearance, with traditional pitched roofed brick terrace buildings and a number of flat roofed buildings evident in the immediate surroundings, including a shopping centre and modern flat roofed apartment building with recessed upper floors.

5. The appeal site is part of a distinct brick terrace running from No 140 to 150 which incorporates architectural features such as detailing around the windows and a consistent fenestration pattern. It is mainly three storeys but rises to 4 storeys at the end of the terrace, at Nos 148 and 150. The frontages of Nos 142 and 144 are slightly set back and the roofs of Nos 140-146 are pitched, whilst Nos 148 and 150 are hipped and set behind a short parapet.
6. The proposed addition of a further floor to Nos 140-146 would raise their height to that of Nos 148 and 150. Whilst there would be an obvious difference in height to No 138, given the differing heights evident in the surroundings, this additional height would not appear incongruous nor more abrupt than existing changes in height between neighbouring buildings within the terrace. The matching materials, windows and detailing would ensure that the additional floors retain the consistent appearance of the existing terrace.
7. The proposed existing pitched roof would be replaced by a shallow pitched and hipped roof, set below a surrounding parapet, visibly altering its form. However, given the scale of the building and incorporation otherwise of matching details, this would not detract from the building's overall character and, moreover, the roof form would appear, from street level, to be consistent with Nos 148 and 150. Given the variety of roof forms along the terrace and in the vicinity, there would therefore be no loss of character.
8. I therefore conclude that the proposed development would not result in any harm to the character and appearance of the existing building or the surrounding area. There is therefore no conflict with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (DPD), which collectively require, amongst other things, the highest standards of urban design which preserves or enhances local character. There is also no conflict with the guidance set out within the Supplementary Planning Document 'Residential Design Guidance' (2016) which sets out that extensions should respect original building.

Highway Safety

9. The appeal site is located within a Public Transport Accessibility Level 3 area, within walking distance of Hendon Central Tube station and a number of bus stops. Given its location, a number of shops and services are close by. The Council set out that the site is located outside a Controlled Parking Zone (CPZ), as referred to within DPD Policy DM017.
10. DPD Policy DM17 requires for this proposal a maximum of 3-4 parking spaces to serve the additional 3 new units. No parking spaces are proposed. The policy states that residential development may be acceptable with limited or no parking outside a CPZ *'but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.'*
11. Whilst not previously submitted, a Technical Note has now been submitted with this appeal which sets out the results of a parking survey undertaken on the 28th and 29th of October 2021. The Council were given an opportunity to comment on this but have not done so and its findings and methodology are therefore undisputed.

12. I saw on my site visit that parking spaces are potentially available within Brent Street and surrounding roads. The survey demonstrated that on average over the 2 days, a substantial proportion of the parking spaces in the area were available overnight when residents are more likely to be at home. This would indicate a reasonable degree of parking stress on roads within 200m of the appeal site, which could comfortably accommodate any vehicle overspill from the proposed development during times of highest demand from the perspective occupants.
13. I therefore conclude that the proposed development would not lead to unacceptable impacts upon highway safety. There is therefore no conflict with the highway safety goals of DPD Policy DM17 and Policies T6 and T6.1 of the London Plan 2021.

Other Matters

14. I note that a letter of objection was received. The issue of noise disturbance from the additional residents is a matter addressed through sound insulation work which is required by other regulations. A condition is considered necessary ensuring compliance with this. I do not consider however that the potential additional traffic noise implications of three units alongside this busy main road would be significant.

Conditions

15. A list of suggested conditions has been provided that the Council and/or the appellants consider to be appropriate. I have considered these in light of the PPG and the test set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
16. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. A condition to ensure matching materials is necessary to maintain the character and appearance of the existing building and terrace. A condition relating to bin and cycle storage and provision is necessary to ensure that occupants would have appropriate access to these facilities.
17. On wider sustainability requirements, conditions to limit water consumption and carbon dioxide emissions would be necessary to ensure relevant compliance with technical standards and policies sought by the CS, the DPD and the London Plan.

Conclusion

18. For the reasons given above, having regard to the development plan as a whole and all other material considerations, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 140BS - A -02-001, 140BS - A -001, 140BS - A -13-100 140BS - A -13-101, 140BS - A -13-102, 140BS - A -13-103, 140BS - A -13-105, 140BS - A -15 - 102, 140BS - A -16 - 101, 140BS - A -16 - 102, 140BS - A -21 - 101, 140BS - A -21 - 102
- 3) The materials to be used in the external surfaces of the building(s) shall match those used in the existing buildings.
- 4) None of the dwellings hereby approved shall be occupied until cycle storage, refuse bins and recycling bins have been provided in accordance with details that shall have been first submitted to and approved in writing by the Local Planning Authority and thereafter permanently maintained.
- 5) Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations, in accordance with details that shall be first submitted to and agreed in writing by the Local Planning Authority. The development shall be maintained as such in perpetuity thereafter.
- 6) None of the dwellings hereby approved shall be occupied until they have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters. 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.
- 7) Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

End of Schedule