



Appeal Decision

Site visit made on 7 December 2022

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/N5090/D/22/3306962

Kendale, 99 Winnington Road, East Finchley, Barnet, London N2 0TT

- 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 and Mrs Trup against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/3120/HSE, dated 10 June 2022, was refused by notice dated 9 August 2022.
 - The development proposed is a new spiral staircase to rear elevation linking existing balcony to the garden.
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Decision

1. The appeal is allowed and planning permission is granted for a new spiral staircase to rear elevation linking existing balcony to the garden at Kendale, 99 Winnington Road, East Finchley, Barnet, London N2 0TT in accordance with the terms of the application, Ref 22/3120/HSE, dated 10 June 2022, subject to the following 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: Block Plan & Location Plan 5144/51; Existing & Proposed Elevations 5144/PL/11; Existing & Proposed Floor Plans 5144/PL/10.
 - 3) The development hereby permitted shall be constructed in the materials shown on plan no. 5144/PL/10.

Procedural Matter

2. At the time of the Council's decision on the application that led to this appeal, the extension to which the proposed staircase would relate was under construction. The Council expressed concerns in its Officer Report about issuing planning permission for a structure that would relate to an as yet uncompleted development. However, by the time of my site visit the extension had been substantially completed. Moreover, the Council's Officer Report comprehensively outlines further objections to the proposed development which form the basis of the main issues set out below. Therefore, despite the Council's concerns in this regard, I am satisfied that I can determine the appeal on the basis of the material submitted by the parties.

Main Issues

3. The main issues in this case are the effect of the proposed development on the character and appearance of its host building, and whether it would preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

Reasons

4. Kendale is a large dwelling set within a generous plot, which slopes downward from Hampstead Lane, and features mature trees and shrubs along its boundaries. The appeal property is one of a number of large and generously plotted, but architecturally varied neighbouring dwellings, which contribute to the sense of spaciousness, lack of uniformity, and emphasis on the picturesque which are notable features of the character, appearance, and significance of the Hampstead Garden Suburb Conservation Area.
5. The appeal proposal would see the installation of a spiral staircase to the rear of the property, which would connect its balcony to the garden below.
6. Compared to the imposing three and a half storey elevation to which it would relate, the proposed staircase would be a diminutive structure. Moreover, the appeal proposal would be of lightweight design, and would not appear bulky as a result. These aspects of the proposal, taken together with its discreet siting tucked in close to the flank wall of the appeal building's single-storey extension, would mean that it would not have a dominant appearance.
7. Although I saw no directly comparable examples of spiral staircases in the immediate environs of the appeal property, the lack of uniformity of style and detailing of dwellings is a noted feature of the Conservation Area. Furthermore, as shown on aerial photography supplied by the appellants, and as I noted from my on-site observations of neighbouring properties, there are other types of stairways to the rear of dwellings adjacent to Kendale. To my mind, such structures are clearly incidental features entirely consistent with the downward sloping plots of these dwellings. Consequently, due to this existing context, the proposed staircase would not appear as an incongruous addition to the appeal property.
8. Accordingly, these considerations lead me to the view that the proposed staircase would not undermine the spacious plotting of the site, would not erode the architectural character of its host building, and would not appear out of character with its surroundings. For these reasons, I conclude on this main issue that the proposed development would cause no harm to the character and appearance of its host building, and that the character and appearance of the Hampstead Garden Suburb Conservation Area would be preserved.
9. It therefore follows that the appeal proposal would not conflict with Policy CS1 and CS5 of the Barnet Local Plan Core Strategy (adopted September 2012); or with Policies DM01 and DM06 of the Barnet Local Plan Development Management Policies (adopted September 2012); or with the Residential Design Guidance Supplementary Planning Document (adopted October 2016). Taken together, and amongst other things, the policies and guidance seek to ensure that heritage assets are protected in line with their significance, and that development proposals preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings,

spaces and streets. The proposed development would therefore be in accordance with the development plan, insofar as the policies that have been drawn to my attention are concerned.

Conditions

10. Amongst other matters, the National Planning Policy Framework establishes (at paragraph 56) that conditions should only be imposed where they are necessary and precise. In the interests of certainty, it is necessary to attach a condition which specifies the approved plans. A condition is also attached relating to the materials to be used in the construction of the proposed staircase, which is necessary to ensure that it would harmonise with the character of its host property. Due to the nature of the proposal, and taking into account the content of the submitted plans, I have altered the wording of the Council's suggested condition relating to materials in the interests of precision.

Conclusion

11. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR