



Appeal Decisions

Site visit made on 4 January 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal A: APP/N5090/W/22/3294492

74 Wood Street, Barnet EN5 4BW

- 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 Tony White against the decision of London Borough of Barnet.
 - The application Ref 21/6378/FUL, dated 29 November 2021, was refused by notice dated 31 January 2022.
 - The development proposed is single storey front extension.
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Appeal B: APP/N5090/Y/22/3294495

74 Wood Street, Barnet EN5 4BW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Tony White against the decision of London Borough of Barnet.
 - The application Ref 21/6379/LBC, dated 29 November 2021, was refused by notice dated 31 January 2022.
 - The works proposed are single storey front extension.
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Decision

1. Appeals A and B are dismissed.

Procedural Matter

2. The two appeals concern the same scheme under different, complementary legislation. I have therefore dealt with both appeals together in my reasoning.

Main Issue

3. The main issue is whether the proposal would preserve a Grade II listed building, known as '74 Wood Street', and any of the features of special architectural or historic interest that it possesses, including its setting, and the extent to which it would preserve or enhance the character or appearance of the Wood Street Conservation Area.

Reasons

Special Interest, Setting and Significance

4. The appeal property is a Grade II listed two-storey former villa, likely of early 19th Century origin, but has been in use as a veterinary surgery and hospital for around 130 years. It is situated to the north of Wood Street within the Wood Street Conservation Area (CA). The principal part of the building features a symmetrical façade overlooking a deep front garden area. It is stucco rendered and includes three windows at first floor over a simple porch with

columns and windows either side, all beneath a low-pitched hipped roof clad in slate, with a deep overhang to its eaves.

5. It is clear that the building has been significantly extended, as evidenced by historic mapping shown in the appellant's *Heritage Impact Assessment*. Its rear curtilage has therefore been subsumed, along with a large proportion of the land to its west, the remainder of which provides parking and a servicing yard. Accordingly, the rear and west of the building have been subject to change and the additions that have altered the setting of the listed building have been of varying degrees of success. In particular, the design of extensions with flat roofs is somewhat questionable in relation to the predominant pitched roof form of the principal building. Several are highly prominent due to the lane leading to the yard and Coe's Alley, which links Wood Street to Union Street. This is one of several intimate side streets mentioned in the CA Character Appraisal Statement (Adopted July 2007). However, the scale and prominence of the principal building and later pitched roof extensions remain evident.
6. Despite later alterations to the listed building, as far as it is relevant to this appeal, its special interest is derived from its architecture and historical value, as a noteworthy example of a 19th Century former villa, particularly its front façade which is architecturally balanced. Furthermore, although this has changed over time, the space that remains around it, in its yard and frontage, make a positive contribution to its historic setting, which contributes to its understanding and special interest.
7. The CA covers the entirety of Wood Street, from the junctions with Barnet Road to the west and High Street to the east, including several side streets from it. The significance of the CA is derived from the rich legacy of historic structures with a variety of building styles and uses, including almshouses, the consistent quality of which presents a rich tapestry of its history, significance, and character to this part of Barnet. Together with the hedgerows and trees at street frontages, the large open green spaces at Ravenscroft Park and the Whalebones create a verdant and landscaped setting to the buildings, which makes an important contribution to the area. Thus, in the context of this appeal, the significance of the CA is principally derived from contributions made by the predominantly high quality of the architecture and townscape through the variety of the buildings, landscaped spaces, and planting within it. This is illustrated by the high proportion of listed or locally listed buildings in the CA.
8. As outlined above, the listed building is largely impressive and does not look out of place within the immediate context of other historic fabric in this part of the CA. Despite the poorly executed extensions to its rear and west, the building and its landscaped frontage, continue to contribute positively to the townscape qualities of the CA and, thereby, its understanding and significance.

Effect of the Proposal

9. The listed building is set back some way from Wood Street and the proposed extension would sit lower than the existing range, which would remain visible behind it. However, the proposed mansard roof would appear prominent from Wood Street and the lane leading to Coe's Alley and add to the number of poorly executed extensions with poorly configured roof forms incompatible with those of the main building. The additional built form of the extension would also further diminish the space remaining to the side of the listed building and, thereby, congest its setting. As a consequence, it would lead to further harmful

cumulative change to the listed building and its setting, as described in the Planning Practice Guidance¹ (PPG).

10. Unlike listed buildings, the significance of a conservation area is more widely experienced and, under such circumstances, proposals must be judged according to their effect on a conservation area as a whole. They must therefore have a moderate degree of prominence. As outlined above, the proposal would be prominent in its immediate context from Wood Street and the lane leading to it and Coe's Alley. It would therefore have a degree of prominence within the CA that would be harmful to its character and appearance, which would neither be preserved nor enhanced.

Public Benefits and Conclusions on the Main Issue

11. The statutory duties in Sections 16(2), 66(1) and 72(1) of the Act are matters of considerable importance and weight, as are the aims of paragraphs 197, 199 and 200 of the Framework.
12. The proposal would be harmful to the special interest, including the setting, of the Grade II listed building and the character and appearance of the CA, which would have a harmful effect on their significance as designated heritage assets. In my view the harm that I have identified to the special interest, including setting, of the listed building would equate to less than substantial harm to its significance. This would be a higher order of harm, as the development would be directly alongside the listed building, within its curtilage. Given the small extent of the proposal in the context of the whole CA, harm to its significance would be toward the lower end of less than substantial harm. In such circumstances, paragraph 202 of the Framework identifies this harm should be weighed against the public benefits of proposals.
13. The Council has referred to guidance in the PPG² which states 'developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation'. However, the evidence before me suggests the proposal would be a further investment in the business, which has continued to occupy the building, in one shape or form, for around 130 years. It would therefore maintain the economic viability of the business by diversifying its income base, keeping pace with demand, and improving the nature and extent of services that could be provided on-site.
14. The appeal scheme would deliver new and improved facilities for scanning. This would undoubtedly provide improvement of the overall client and patient experience, including those referred from other veterinary practices in the locality. There would also be longer-term additional support to such practices and services based in-house through the availability of in-house CT scanning. The appellants also claim diagnostic imaging capabilities offered by the scanner would assist with retention of veterinary surgeons with advanced qualifications.
15. I note that the Council does not dispute any of these assertions made which, taken together, would amount to considerable social and economic benefits.
16. There would also be short-term economic benefits of limited weight associated with the construction period of the extension.

¹ Paragraph: 013 Reference ID: 18a-013-20190723, Revision date: 23 07 2019.

² Paragraph: 013 Reference ID: 18a-013-20190723, Revision date: 23 07 2019.

17. I accept that the floor plan and historic fabric of the listed building would not be harmed by the proposal, but this would equate to an absence of heritage harm, which would neither weigh in favour nor against the appeal scheme.
18. I have afforded very limited weight to the Council's argument that the business has continued to operate for two years without the CT Scanner. This period included the Covid-19 pandemic and there is no substantive evidence before me to suggest absence of the proposed facility has not affected the appellant's business or its ability to meet the needs of the public. The fact the business has not had such a facility in place previously does not mean it is not required.
19. It is unclear from where the Council evidenced the size of the room required for a CT machine, but the room does not appear to be excessive in size for its requirements. The appellants have indicated that it would not be possible to accommodate the scanner in the existing building. To my mind, this should be sufficient evidence, as common sense would indicate that even an extension of the size proposed would entail a significant capital investment for the appellants and would be unlikely to be undertaken on a whim if it could be accommodated elsewhere within their existing building. It is also unclear from the evidence before me whether it would be possible to reduce the size of the proposed extension, while maintaining its capability to accommodate the proposed scanner, and any other associated equipment and instruments.
20. The proposal would, by its very nature, not make alterations to the existing extensions the main parties agree are harmful to the setting of the listed building, but it appears that this was never the intention, I have therefore disregarded this in considering the potential for maximising enhancement of the setting of the listed building and CA.
21. Taking the above together, while collectively there would be considerable public benefits associated with the proposal, the harm that would be caused by allowing development, to the special interest, including the setting, of the Grade II listed building and the character and appearance of the CA, would be of greater significance. Moreover, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm I have identified.
22. In light of the above, I conclude that the proposal would fail to preserve the special interest, including setting, of the Grade II listed building and the character and appearance of the CA. Hence, the appeal scheme would fail to satisfy the requirements of the Act, paragraphs 197, 199 and 200 of the Framework and would conflict with the design and heritage aims of Policies CS1 and CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document³ (CS); Policies DM01 and DM06 of the Barnet's Local Plan (Development Management Policies) Development Plan Document⁴ (DMP); Policies D3, D4 and HC1 of The London Plan 2021 and the guidance contained in the CA Character Appraisal Statement.

³ September 2012.

⁴ September 2012.

23. I have not found in relation to Local Plan Supplementary Planning Document: Residential Design Guidance⁵ as it is not relevant to the appeal premises; or TLP Policy D1 as it relates to policy and area assessment formulation.

Other Matters

24. The appeal property is near to Garrett's Almshouses (76-86 Wood Street), Jesus Hospital or Ravenscroft Cottages (Nos 62-72) and Victoria Maternity Hospital (No 55), all of which are designated as Grade II listed buildings. I have therefore had regard to the statutory duty referred to in the Act. However, given the scale of the proposal and its physical relationship with these designated assets, it would have a limited effect on their settings, which would be preserved.

Planning Balance and Conclusion

25. The development plan for the area includes the CS, DMP and TLP, all of which predate the current Framework. This is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to their policies according to their consistency with the Framework.
26. While CS Policies CS1 and CS5 and DMP Policy DM01 do not contain reference to the heritage balance required by the Framework, the policies remain generally consistent with the aims of the Framework and should be read in conjunction with DMP Policy DM06, which does include reference to the balance. Similarly, TLP Policy D3 does not include the heritage balance but Policy HC1 includes reference to the benefits of proposals, both are therefore generally consistent with the Framework. TLP Policy DC4 is also consistent with the overall design aims of the Framework. I therefore afford considerable weight to the conflict of the proposal with these policies. Furthermore, the CA Character Appraisal Statement does not include any policies, but its aims are also generally consistent with the Framework, so I afford conflict with the guidance therein considerable weight.
27. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. In terms of harm, the proposal would not comply with development plan policy in respect of the harm that would be caused to the special interest, including the setting, of the Grade II listed building, and the character and appearance of the CA.
28. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of great weight against the appeals being allowed that outweigh the stated benefits. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeals should be dismissed.

Paul Thompson

INSPECTOR

⁵ October 2016.