



Appeal Decision

Site visit made on 22 February 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th April 2023

Appeal Ref: APP/N5090/W/22/3301959

2 North End Road, Golders Green, Barnet, London NW11 7PH

- 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 Jamshid Orodpour against the decision of London Borough of Barnet.
 - The application Ref 22/0707/FUL, dated 11 February 2022, was refused by notice dated 27 May 2022.
 - The development proposed is the installation of a flue system at the rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has made reference to Barnet's Draft Local Plan (Emerging Plan). The evidence indicates that this development plan has not yet reached adoption stage and hence the policies within it, as material planning considerations, cannot at this stage be afforded full weight in decision making terms.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area, including whether it would preserve or enhance the character and appearance of the Golders Green Conservation Area.

Reasons

4. The appeal site is located within the Golders Green Conservation Area (CA) and the appeal property is a non-designated heritage asset as a locally listed building.
5. I have therefore had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the area. The CA covers an area encompassing four character areas including the eastern end of North End Road, Central Hub, Golders Green Road parades and the western end of Armitage Road. Its significance is derived from its late Victorian style decoration in red brick, timber joinery, slate and lead roofs. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, to be primarily associated with the Central Hub which encompasses the shopping parade 2-38

(even) on North End Road and includes the appeal property No.2. The shopping parade 2-38 (even) does not benefit from statutory protection but was scheduled as a locally listed building in 30/04/86¹ and dates from the turn of the twentieth century.

6. The Council's Conservation Area Appraisal² (CAA) indicates that there are statutorily (Grade II) and also locally listed buildings in North End Road shopping parade which are of a high architectural and historic value, including the appeal property, and which make a positive contribution to the CA as a whole.
7. The appeal property is a four-storey terraced building within the curved shopping parade on the junction of Finchley Road/A502. The rear of the appeal property is accessed via St Albans Lane, which is characterised by a discordant mix of outriggers and plot shapes influenced by the curved character of the shopping parade. It is home to commercial uses on the ground floor with residential flats above the commercial units which are accessed by external staircases. Although the rear of the building is described in the CAA only briefly, it nevertheless makes up part of the CA and any development is considered in that context, whilst policies in the development plan seek to preserve and enhance non-designated heritage assets where possible.
8. The proposed flue system would be positioned on the shared boundary with No.4 North End Road and abutting the rear walls of the host property. It would be stepped in appearance, running from the first floor to the top of the building. The flue system would be positioned behind a chimney stack but would protrude a significant degree above it. Although, due to the height of the existing chimney and pitch of the roof there would be limited views from the front elevation off North End Road, it would still be prominent when viewed from the rear elevation and from along St Albans Lane.
9. Furthermore, the large diameter and scale of the flue system would result in a bulky addition to the rear of the property that would project out from the rear walls. It would be dominant and clearly visible from the windows set behind the proposed scheme, neighbouring properties, the rear yard areas and from St Albans Lane. As the flue would not be screened from rear views and its prominent position on the building, the flue would be out of keeping in the area, it would introduce an incongruous and obtrusive addition sited on the host property as a non-designated heritage asset. Therefore, it would harm the significance of the host property within the CA, and be in conflict with the character and appearance of the immediate area, including causing harm to the historic setting and significance of the CA.
10. The appellant suggests a potential cover to make the flue look like a brick chimney in order to screen the system from public views and alleviate any concerns for the character of the area. However, I have no substantive evidence relating to the exact design details, and I must determine the appeal on the basis of the evidence before me. Even if this potential covering of the flue would mitigate some visual harm the flue itself with any cover would still be seen from public viewpoints including neighbouring properties and from St Albans Lane.

¹ Golders Green Town Centre Conservation Area Character Appraisal and Management Proposals, Appendix 2

² Golders Green Town Centre Conservation Area Character Appraisal and Management Proposals

11. The appellant has stated that there is already a clutter of flue systems within St Albans Lane which I saw on my site visit, and that there are other flue systems within other conservation areas in London. I have not been provided with any precise details of these examples, so I cannot be sure they are comparable, especially as the appeal scheme is of a size, height and stepped design that would cumulatively make the development particularly obtrusive. Neither does the presence of other visually harmful flue systems in the area justify the harm which would be caused by the proposed development.
12. Paragraph 203 of the National Planning Policy Framework (The Framework) requires a balanced judgement in considering the effect of an application on the significance of a non-designated heritage asset. The scale and height of the proposed flue system would harm its significance within the CA as a whole, failing to protect and enhance its distinctive historical character and cause harm to a non-designated heritage asset.
13. I find the flue system would cause less than substantial harm to the CA. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant states that the proposal would be beneficial because it would allow the appellant to have bakery products on site. However, these are commercial benefits and a personal choice for the appellant which are not sufficient to outweigh the harm that I have identified. In the absence of any substantiated evidence to the contrary, neither would any public benefits accrue in relation to the CA.
14. I therefore consider that the public benefits arising from this particular proposal would be limited and not sufficient to outweigh the less than substantial harm to the significance of the heritage asset, to which I must give great weight in accordance with paragraph 199 of the Framework.
15. Given the above and in the absence of any defined significant public benefit, I conclude that, the proposal would fail to preserve the special historic interest of the host property as a non-designated heritage asset and the character and appearance of the surrounding area, including the CA. This would fail to satisfy the requirements of the Act, and conflicts with paragraph 197 of the Framework, Policies DM01 and DM06 of the Barnet's Local Plan Development Management Policies Development Plan Document (2012), and Policies CS1 and CS5 of Barnet's Local Plan Core Strategy Development Plan Document (2012) which together seek, among other things, to preserve and enhance local character and appearance, including the protection of Conservation Areas, to create high quality places. In addition, the proposal would not accord with The Framework which requires any harm to a heritage asset to have clear and convincing justification.

Other Matters

16. My attention has been drawn to pre-application emails included in the appellant's statement regarding noise and vibration. I acknowledge that the Council's Environmental Health Department considered the proposal acceptable in terms of the technical specifications of the flue. However, these did not relate to the visual characteristics of the proposal and as such, these considerations do not outweigh the harm I have identified to the character and appearance of the host property and the area, or the harm to the CA as a whole.

17. I acknowledge that while the site has a Use Class E permitting the appellant to sell food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, this does not justify allowing harmful development, and I therefore afford this matter limited weight.

Conclusion

18. The proposal would conflict with the development plan taken as a whole, and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Thus, the appeal is dismissed.

J Wellstead

INSPECTOR