



Appeal Decision

Site visit made on 20 June 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11th July 2023

Appeal Ref: APP/N5090/W/22/3311523

1 Church Passage, Barnet EN5 4QS

- 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 Dicle Guntas, Guntas Management Limited, against the decision of the London Borough of Barnet.
 - The application Ref 22/0856/FUL, dated 17 February 2022, was refused by notice dated 25 May 2022.
 - The development proposed is second floor extension including front dormer windows to provide 2no. self-contained flats with private terrace area and rooflights to rear elevation. Replacement of first floor windows and associated internal alterations to the central stair and re-arranging unit 2 on the first floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the application form is extensive in detail. I have had regard to this in my assessment. However, for the purposes of my banner heading, I have shortened this description, coinciding with that used in the appellant's appeal form and the Council's decision notice.
3. I have a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Despite the wording of the Council's Decision Notice, the Church of St John the Baptist and Church House are both listed buildings which are cited within the evidence before me. As such, I have determined the appeal on this basis.
4. I have also had regard to the duty imposed by section 72(1) of the Act which requires that, in the exercise of planning powers, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Main Issue

5. The main issue is the effect of the development on the character or appearance of the Wood Street Conservation Area and the setting and significance of nearby heritage assets.

Reasons

6. The appeal building is a two storey, predominantly rendered, mid-terrace structure which is angled to follow its frontage and has a flat roof. There are shop units on the ground floor with a row of vertically proportioned windows above. The rear of the premises includes a large, indistinct, rendered two storey extension facing a private car park. The appeal building is within a predominantly retail area and fronts a triangle of land at the junction of several roads.
7. The property lies within the Wood Street Conservation Area (CA). Opposite is the Church of St John the Baptist (the Church), a Grade II* listed building, and to the south along Church Passage is Church House, a Grade II listed building. To either side of the appeal building are The Hyde Institute and Nos. 59-61 High Street (No.59-61) which are both identified by the Council as locally listed buildings. In relation to all heritage assets, Paragraph 189 of the National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
8. The CA encompasses an area of mixed character focussing on Wood Street and several adjoining roads. The eastern section is part of the commercial town centre which is predominantly retail in nature. It is mainly characterised by traditionally proportioned and detailed two and three storey terraced buildings with shops below, grouped tightly around the Church with other public buildings nearby. To the west, the area becomes increasingly residential, with a more dispersed settlement pattern, including some distinctive historic dwellings, street trees and urban parkland. In places, the linear nature of the streets allows long sightlines along the building frontages, adding to the quality of the streetscape. From the Council's Wood Street Conservation Area Character Appraisal Statement (2007) and my observations, I consider that its significance is mainly drawn from the range of built development within it, and the relationship of the buildings to each other and the spaces around them.
9. The appeal site is located at the eastern end of the CA and is a rather unassuming building. However, it is positioned in a sensitive location owing to the age and character of buildings around it on Church Passage and the green space in front allows views in several directions, including views of the Church. Although the townscape quality of some individual buildings varies, there is an overall consistency to the area's historic character and quality.
10. Whilst the flat roof of the appeal building contrasts with the properties to either side, its details and the consistent building line reflect its surroundings. In my view, the building is recessive and relatively unobtrusive compared to the larger buildings alongside and their grander elevations, and this lessens the impact of the flat roof on the townscape. I therefore consider that the building frontage has a neutral impact on the character and appearance of the CA. At the rear, the largely featureless rear extension is dominant within its surroundings and draws the eye away from the more attractive rear elevations of the adjoining buildings with their smaller scale additions. From this rear aspect, I consider that the appeal building would be regarded as having a harmful impact on the character and appearance of the CA.
11. The Church of St John the Baptist, listed in 1950 (Ref:1359101) (the Church), dates from the 15th century and was altered extensively in the 19th century by

William Butterfield. The list description states that it is flint with stone dressings in bands with chequerwork and has an imposing west tower. It stands prominently on the relatively small triangle of land incorporating a church garden and war memorial and there is a strong visual connection with buildings on Church Passage, including the appeal site, which lie across the public open space with views partly filtered by mature trees.

12. Church House, listed in 1983 (Ref:1192592), is on the southern end of Church Passage, fronting Wood Street. It dates from the late 19th century, is of two storeys and is faced in random flint with stone dressings and has a tiled roof. The list description mentions its neo-Tudor style with stone mullion and transom windows, a carriage arch and porch, together with a raised gable wall surmounted by a Maltese Cross. The building is identified as having Group Value. Although it is some distance away from the appeal building, there is intervisibility between its frontage and Church House, as well as combined views of the Church and other adjoining historic buildings, gained across the public open space. These views would be clearer when the intervening trees are not in leaf. Views of the rear roof slope can be obtained from the private car park behind the appeal building.
13. Based on the evidence before me, including the list descriptions and submitted Heritage Statement, I consider that the special interest/significance of these listed buildings mainly derives from their age, historic fabric, form and function, and their architectural features. Their special interest/significance, insofar as it relates to the appeal site, is experienced from within the public open space comprising the church garden and war memorial, and the interconnected views across this space which are in part contained by buildings lining Church Passage which include the appeal building. These are the surroundings in which the listed buildings are experienced and appreciated, and these views directly contribute to their special interest/significance.
14. There is no dispute between the parties that the two locally listed buildings to either side of the appeal building provide architectural interest to the locality and the appellant supports the Council's assessment of them, including reasons for their selection and their significance. I have no reason to disagree with these findings. In this regard, locally listed buildings are defined as non-designated heritage assets in the Framework. The Hyde Institute is a two/three storey building with a tiled roof, walls of red brick with stone dressings and large double-height windows. It has ornate decoration with stone capped parapets and decorative pilasters. The rear elevation is visible from the private car park, alongside the appeal building, and is more modestly detailed, although still comprising a unified elevation with good quality detailing and modestly scaled, traditional extensions. The building has been selected for its aesthetic merits, intactness, landmark qualities, social and communal value, and its significance derives from its architectural and historic interest.
15. No. 59-61 High Street is more characteristic of other historic buildings in the immediate vicinity, being a three-storey brick building with traditional shopfront features, sash windows above and tall chimneys. The upper windows are pitched roof dormers, and the whole building has decorative detailing. The rear is also visible in conjunction with the appeal building and has modestly proportioned, three-storey outriggers in a similar brick finish with sash windows and contrasting brick detailing. The building has been selected for its

aesthetic merits, group value and intactness with its significance derived from its architectural interest.

16. From the details available to me and my own observation, both buildings make a positive contribution to the character and appearance of the CA. Their significance, insofar as it relates to the appeal site, is mainly experienced and appreciated from within the public open space including their relationship with other buildings on Church Passage. They also form part of how the listed buildings are experienced. When viewed from the rear car park, the significance of the locally listed buildings is still clearly appreciated. Any changes to the appeal building will impact on the contribution that the setting makes to their significance.
17. The appeal proposal is for a second floor extension to the building frontage with a lower second floor extension at the rear. It would have a form of mansard roof to the front which would be stepped down in sections following the reducing ridge line of adjoining buildings. Tall dormer windows with ridged roofs would be set back behind the front parapet. To the rear, the stepping of the main ridge would be visible and at this upper level, rooflights and a glazed door and terrace would be incorporated. The rear, projecting and partly off-set second floor extension would be set at a lower height and be much narrower than the existing building below. It would have a ridged roof and incorporate a further terrace with glazed doors.
18. Although the immediate area has a range of roof forms, heights and detailing, they are mostly consistent with those of traditional buildings. The proposed multiple stepped roof does not appear to me to be characteristic of the area and does not relate to neighbouring roof form. Whilst stepping might arise in response to changing land levels this is not the case here on this predominantly level site. A change in ridge height might be justified here to transition the roof height between the two adjoining buildings and to take account of the angled frontage, but the number of steps proposed would be excessive, making it overly complex and an unnecessarily conspicuous design feature. The lower ridge height in relation to No.59-61 and keeping the lower section of the mansard roof and dormers at a consistent height, would not diminish the overall impact of the stepped ridge. Furthermore, the prominence of the roof form would be further heightened by the overly large dormers, which do not appear to line up with the windows below, and the proposed graded colouration of the tiles. Therefore, the uncharacteristic, dominant roof form, design and detailing would look odd and out of place within the surrounding townscape and visually harm the host building.
19. As a result, the incongruity of the roof form, its design and detailing would distract attention away from and visually compete with the listed and locally listed buildings and harm the contribution that the setting makes to their significance. It would also erode their aesthetic values and affect the ability to appreciate their special interest and significance. Consequently, the harm caused by the proposal to the special interest/significance of these buildings and the wider historic area would also be harmful to the character and appearance of the CA.
20. At the rear, the proposed, incongruous roof form of the front range would be clearly viewed. Also, the proposed projecting, off-set extension, although benefitting from a traditionally ridged roof and having been lowered during the

determination of the application, would appear randomly sited on the existing flat roof and not integral to the building's design. My attention has not been drawn to other Juliette balconies and private terraces in this part of the CA and these would be prominent and exacerbate further the inappropriateness of the proposed design, even if the metal balustrades were changed to glass. The proposed rear elevation would be a disjointed composition with an unnecessarily complex design with cluttered details, uncharacteristic of the building's surroundings. From this rear aspect the proposal would therefore compound the level of harm that the current building makes to the character and appearance of the CA, would detract from and contrast with the traditionally detailed rear elevations of the adjoining locally listed buildings and detract from views of the rear of Church House.

21. Both parties refer to an extant planning permission which includes the erection of a second floor extension to the front of the building. It would span the gap between the buildings to either side and provide additional flats. The relatively low mansard roof would incorporate dormer windows to the frontage, set behind a parapet, which would line up with the windows below. This element of the permission appears not to have been implemented but as far as I am aware there is a realistic prospect that it could be built. In my view, the appeal proposal would have a far greater impact on the special interest/significance of the heritage assets than the extant scheme with its lower, consistent overall roof height and smaller dormers lining up with the windows below. In this respect the extant scheme attracts little weight in favour of the appeal proposal.
22. Considering all of the above, I find that the proposal would fail to preserve both the character and appearance of the CA and the special interest/significance of the nearby listed buildings. Therefore, the expectations of the Act are not met. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification.
23. I find the harm in the context of the significance of the designated heritage assets as a whole, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
24. I have also found that the proposal would harm the significance of the locally listed buildings. In this regard, paragraph 203 of the Framework requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
25. The appellant is of the opinion that the proposal would be beneficial because it would restore the building's roof, filling in the gap in the roofscape, improve

the historic sense of enclosure and obscure the flank gables of adjoining buildings. They also state that it would use traditional materials in a modern way, taking design inspiration from its surroundings and be an up-to-date response to the constrained urban site, which is of no interest, thereby enhancing the building and surrounding heritage assets. It is also suggested that it would give the building a long-term future.

26. Whilst I have no clear details of the previous roofing and it is evident that it has had a flat roof for a considerable number of years, installing a pitched roof would address the gap in the roofscape and this could be reasonably considered a public benefit. As demonstrated by the extant permission, this could probably be achieved by other design solutions thereby avoiding the harm I have identified. Nor do I find the flanking gables visually harmful. As such I cannot consider this matter worthy of any more than limited weight as a benefit to the public. Moreover, I have been given no evidence that the continued viable use of the appeal property is dependent on the proposal as the building appears to have an ongoing use that would not cease in its absence.
27. The proposal would provide two residential dwellings in the town centre and although the appellant suggests that the Council is on target to meet its housing obligations, states that the London Plan encourages Boroughs to support housing opportunities on small sites. In my view, whilst the scheme would provide housing and add to the choice and mix on the local market, and bring some social and economic benefits, the extant scheme would already provide a similar number of dwellings. Equally an alternative scheme could provide additional units, avoiding the harm identified. As such I consider that little weight can be given to these limited benefits.
28. I have no information before me to explain why the proposed scheme would be an improvement on the extant scheme in terms of the quality of the accommodation, the layout and improved energy efficiency. These comments therefore do not attract any weight in favour of the proposal. Exceeding the space standards in the London Housing Design Guide and the dual aspect of the units would be expected of any proposal of this nature and weighs neither in favour of nor against the proposal.
29. Given the above, I conclude that the public benefits would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage assets. The proposal would therefore fail to preserve the contribution that the setting makes to the special interest/significance of the Grade II* and Grade II listed buildings, and the character or appearance of the CA would be neither preserved or enhanced. As such, the proposal would fail to satisfy the requirements of the Act and paragraph 199 of the Framework. Furthermore, I have found that the significance of the non-designated heritage assets would be materially harmed. In addition, there is no clear and convincing justification for the harm to the significance of the heritage assets.
30. The proposal would not comply with Policies D1, D4 and HC1 of the London Plan (2021), Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) DPD (2012), and Policies DM01 and DM06 of Barnet's Local Plan (Development Management Policies) DPD (2012) and the CA Character Appraisal. Amongst other things, these policies and guidance seek to ensure that new development is of a high quality and reflects local character. They also seek to protect the

historic environment from harm through regard to its local historic context. I consider these policies are broadly consistent with the Framework, and the conflict with them has significant weight. As a result, the proposal would not be in accordance with the development plan as a whole.

Conclusion

31. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR