



Appeal Decisions

Site visit made on 27 June 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2023

Appeal A Ref: APP/N5090/W/22/3301621

Rose Cottage, 74 Totteridge Village, Whetstone, Barnet, London N20 8AE

- 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 Ms M Mogharebi against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/0507/HSE, dated 2 February 2022, was refused by notice dated 31 March 2022.
 - The development proposed is formation of terrace on existing garage flat roof with associated glass balustrade.
-

Appeal B Ref: APP/N5090/Y/22/3303506

Rose Cottage, 74 Totteridge Village, Whetstone, Barnet, London N20 8AE

- 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 Ms M Mogharebi against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/0508/LBC, dated 2 February 2022, was refused by notice dated 31 March 2022.
 - The works proposed are formation of terrace on existing garage flat roof with associated glass balustrade.
-

Decisions

1. Appeal A is allowed and planning permission is granted for the formation of terrace on existing garage flat roof with associated glass balustrade at Rose Cottage, 74 Totteridge Village, Whetstone, Barnet, London N20 8AE in accordance with the terms of the application, Ref 22/0507/HSE, dated 2 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 513421-1 Existing and Proposed Plans and Elevations.
2. Appeal B is allowed and listed building consent is granted for the formation of terrace on existing garage flat roof with associated glass balustrade at Rose Cottage, 74 Totteridge Village, Whetstone, Barnet, London N20 8AE in accordance with the terms of the application, Ref 22/0508/LBC, dated 2 February 2022, subject to the following condition:

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

Preliminary Matters

3. These decisions address both planning and listed building consent appeals for the same site and for the same scheme. The remit of both regimes is different, and the main issues identified below relate to either the planning appeal (Appeal A), the listed building appeal (Appeal B), or both. In order to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.
4. The appeals relate to a double garage to the rear of Rose Cottage, a detached Grade II listed building located within the Totteridge Conservation Area (TCA). From the evidence before me, it is not a matter of contention that the garage is attached/linked to the listed building by a garden wall and by virtue of Section 5(1) of the Act comes within the remit of the listing. To that end, as the appeals relate to applications for both listed building consent and planning permission, I have had regard to the statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. I have used the description of development from the appellant's appeal form and the Council's decision notice as this more accurately describes the proposal than that on the application form.

Main Issues

6. The main issues in both appeals are whether the proposal would i) preserve the Grade II listed building or its setting and ii) preserve or enhance the character or appearance of the TCA.
7. A further main issue in Appeal A is the effect of the proposal on the living conditions of occupiers of neighbouring dwellings.

Reasons

Listed Building and TCA

Special Interest and Significance

8. Rose Cottage is a detached two-storey dwelling with a pitched tile roof and extension to the rear which is clad in timber. The listing description¹ details its earlier timber frame construction while also noting that it has recently (at the time of the description being written) been heavily reconstructed and reroofed but retained much of its external brickwork and framing.
9. There is little before me in the submitted evidence from either of the main parties as to the special interest/significance of the building. From my own observations, this is largely derived from its age, being of early 18th century origin, its remaining historic fabric such as the timber framing, and its use of traditional materials and architectural detailing, such as the axed cambered arches, overhanging eaves and wooden casement windows. There is further special interest and significance derived from the group value of Rose Cottage, which is located adjacent No's 76, 78 and 80 & 82, all of which are also

¹ List Entry Number: 1064835

statutorily listed. The listed buildings all have gardens from which they are experienced.

10. The adjacent properties referenced above all form part of the setting of the listed building, particularly to the front when viewed from the road. Given the historic association and group value, this setting therefore makes a positive contribution to the significance of the listed building.
11. To the rear, the garden has paved surfaces which rise up from the rear elevation of the host building and step down again to the garages. There are brick walls to both side boundaries while the garages are slightly offset to align with properties facing Badgers Croft.
12. The garages subject to the proposed development and works are located to the rear of the garden and adjoin No 8 Badgers Croft. They are of modern, red brick construction with flat roofs and roller shutter doors. Typical of suburban areas, they are more closely associated with properties facing Badgers Croft than the appeal property or the aforementioned adjacent listed buildings. As a structure attached/linked to the listed building and within its setting, the double garage makes a neutral contribution to its special interest and significance.
13. The appeal site is located within the TCA. There is a mix of building styles dating from seventeenth century timber framed agricultural buildings and later domestic architecture set within a ribbon style development along the main road and surrounded by green fields. The appraisal document² (the appraisal) divides the TCA into individual character areas, with the appeal site located in area 3 (Totteridge Village St Andrew's Church to Grange Avenue). This sub area is largely characterised by low density housing, including large mansion houses originally built for wealthy Londoners, many of which are listed. Moreover, the appraisal describes an informal group of modest, mainly nineteenth century buildings located to the west which are attractive, and intimate being set close to one another, typical of a village centre. They run close and parallel to the main road giving continuity and interest to the street scene. Its significance is largely drawn from the architectural interest of the buildings and their relationship to the road and the surrounding green fields.
14. Rose Cottage forms part of this group and given its architectural quality in terms of its detailing and materials contributes positively to the character and appearance of the TCA as a whole and thereby to its significance as a designated heritage asset. The garage, due to its modern, flat roofed appearance makes a neutral contribution to the special interest and significance of the listed building and the character and appearance of the TCA.

Effects of the Proposal

15. The proposal seeks to install a glass balustrade around the edge of the flat garage roof to create a terrace, which would have steps leading up from the rear garden for access.
16. The installation of the balustrade would involve no intervention into or alteration of Rose Cottage. Moreover, it would form a minimalist addition to a neutral structure within the LB's setting. In these respects, it would not

² Totteridge Conservation Area Character Appraisal Statement (adopted May 2008)

- diminish the main elements from which the LB derives its special interest and significance and would preserve the Grade II listed building and its setting.
17. The TCA appraisal highlights the importance of the appeal dwelling and the adjacent properties in their contribution to the significance the designated area. However, the balustrade would not be visible from the front of Rose Cottage and only in views from upper floor windows of the adjacent properties at oblique angles.
 18. Moreover, Badgers Croft is identified in the appraisal as a 'bland residential development'. When viewed from this street to the rear, the balustrade would largely repeat the same features as those displayed to the front elevations of No's 2-8 Badgers Court and the intervening garages while its height would fall below that of the balustrade of adjoining properties. As such, it would not appear disproportionate or incongruous in that context and the scale, design and materials would preserve the character and appearance of this part of the TCA. Therefore, the special interest of the TCA as a whole would not be undermined by the proposal and its significance as a designated heritage asset would not be harmed.
 19. Taking all these matters together, I consider that the proposal would preserve the Grade II listed building and its setting; and preserve the character and appearance of the TCA. It would therefore satisfy the requirements of sections 16(2), 66(1) and 72(1) of the Act. The proposal would also accord with Policies DM01 and DM06 of the DPD³, Policies CS1 and CS5 of the CS⁴ and Policy HC1 of the London Plan (LP) (adopted March 2021) as well as the Residential Design Guidance SPD (adopted October 2016) and the TCA Character Appraisal Statement. These seek, among other things, to ensure that development proposals preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.
 20. The proposal would also accord with the aims of the National Planning Policy Framework (the Framework), which advises through paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 21. In finding no harmful effects to the special interest and significance of the designated heritage assets, it is not incumbent on me to consider any public benefits that would flow from the proposal.

Living Conditions

22. The terrace would adjoin the side elevation of No 8 Badgers Croft and would be adjacent No 84 Totteridge Village. I understand that the Council has concerns regarding potential loss of privacy for occupiers of both properties through overlooking of the garden area of No 8 and windows of the side and rear elevations of No 84, as well as its garden.
23. The garage roof aligns with the front elevation of No 8 but does not extend to the rear. Due to this set back, most of the views from the terrace towards No 8 would be of the side wall of that property. The southwest corner of the terrace would have the most 'favourable' angle for views in that direction, but these

³ Barnet's Local Plan Development Management Policies Development Plan Document (adopted September 2012).

⁴ Barnet's Local Plan Core Strategy Development Plan Document (adopted September 2012)

- would still be oblique and due to the lower land level of the garage this would not be at a great height relative to the garden. Furthermore, a tall fence divides the two rear gardens and foliage was growing above the fence line on the side of No 8 which, although possibly seasonal in its density, would be under the control of occupiers of that property to provide additional screening.
24. With regards to No 84, a brick wall divides the two properties and from the ground level of the rear garden of the appeal property, windows to the ground floor extension on the east elevation of No 84 were not visible. Although I could not access the roof of the garage on my visit, due to the proximity of the wall to this elevation of No 84, views to these windows from the garage roof would be unlikely. Similarly, the north elevation of No 84 has a short gap to the row of garages which line Badgers Croft which offers a limited outlook. Moreover, the thick foliage in both the appeal garden and that of No 84 as well as the lower land level of the garages, would offer additional screening.
25. The first floor of the east elevation of No 84 has windows facing towards the rear garden of the appeal property. However, these are visible from the garden level and views from the terrace would be at a more oblique angle looking upwards. This would make views into these windows difficult from this vantage point.
26. Taken together, any views into garden areas or windows would be unlikely and there would not be a harmful loss of privacy due to overlooking of the gardens and/or windows of No's 8 or 84. This would accord with Policies CS5 of the CS and DM01 and DM02 of the DPD and the Residential Design Guidance SPD (adopted October 2016), which seek, among other things, to ensure development proposals should be designed to allow for adequate privacy for adjoining occupiers and users.

Conditions

27. The Council has provided a list of suggested conditions in the event that the appeal is allowed which I have considered. The standard time commencement condition is necessary for both appeals. A condition on the planning permission specifying the relevant plan is necessary as this provides certainty. However, it is not necessary for this to be included as a condition on the listed building consent, as adherence to the plan which accompanies the application is part of the formal decision.
28. The Council also suggested a condition to ensure the glass used in the balustrade would be obscured to ensure the privacy of occupiers of adjoining properties. However, the screen would not be of a suitable height for this purpose. Regardless, I have concluded that views into the two highlighted properties would be minimal and not harmful. As such, I have omitted this condition.

Conclusions

29. For Appeal A, the proposed development would not conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and subject to conditions, I conclude that Appeal A should be allowed.

30. For Appeal B, for the reasons given and subject to conditions, I conclude that Appeal B should be allowed.

C McDonagh

INSPECTOR