



Appeal Decision

Site visit made on 15 August 2023

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 21st August 2023

Appeal Ref: APP/N5090/C/23/3317724

Red Stairs Soft Play, 101-107 High Street, Barnet EN5 5UZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Red Stairs Soft Play Ltd against an enforcement notice issued by London Borough of Barnet.
- The notice was issued on 31 January 2023.
- The breach of planning control as alleged in the notice is: without planning permission, the construction of a single-storey porch extension built onto the alleyway (as shown in attached image).
- The requirements of the notice are
 1. Demolish the timber single -storey porch extension
 2. Permanently remove all constituent materials resulting from the works in 1 above from the property.
- The period for compliance with the requirement is 2 months
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The high street at Barnet is made up of a variety of shops, public houses and other businesses. There is an alleyway off the high street between a bank and a phone shop. The development consists of a rectangular structure which is located in the alleyway next to the side of the phone shop and forms part of a child's play centre which is called Red Stairs Soft Play. It has been added to the front of the premises to provide an enclosed area for visitors to leave their children's buggies when they visit the first floor. There is a door for access which faces the high street.
4. Whilst the development is approximately 5 metres by 1.2 metres, its location means that the width of the alleyway is reduced by about half at this point. The development is visible to any users of the alleyway itself and also from the high street as it is located just beyond it.

5. The development which consists of timber ply boards with guttering along the side is of poor quality. Combined with the location and the design, the development is incongruous and out of keeping with the area. The appellant has referred to works being unfinished as works ceased when the notice was served. The appellant therefore proposes as finishing material cladding the external walls which could be addressed by way of condition and agreed with the Council. An image is provided which shows cladding in oak battens as an example of a suitable finish. Nevertheless, adding a different finish to the development does not overcome the issues with the siting and solid box type design of the structure.
6. The appellant considers that the extension has screening benefits. However, as the alleyway curves rather than following a straight line, there are limited views of the alleyway and bins from the high street beyond the development itself. In an alleyway location, there are likely to be refuse bins and any limited screening of bins does not justify the development. The appellant refers to there being a variety of designs and colours to the high street shopping frontages and no set character. However, the development does not resemble a shop frontage as it is enclosed. There is also no other development that extends beyond the original building line at either side of the alleyway. The development is therefore not in keeping with either the alleyway itself or the high street in terms of design, materials or siting and is incongruous.
7. For the reasons given, the development does harm the character and appearance of the area. It is therefore contrary to Policy DM01 of Barnet's Local Plan (Development Management Policies) DPD (adopted September 2012) which, amongst other things, refers to high quality design, preserving local character and respecting the pattern and appearance of surrounding buildings. The Residential Design Guidance SPD (2016) is not relevant to non-residential development and Policy CS1 of Local Plan Core Strategy (adopted September 2012)(the Core Strategy) is a place shaping strategy which refers to economic growth and housing.
8. Policy CSNPPF of the Core Strategy refers to approving development that accords with policies in the development plan without delay unless material considerations indicate otherwise. However, the development does not accord with the development plan and there are no material considerations to indicate that the appeal should be determined other than in accordance with it.

Conclusion

9. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

E Griffin

INSPECTOR