



Appeal Decision

Site visit made on 4 September 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/N5090/W/22/3311761

60 High Street, Barnet EN5 5SJ

- 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 Oz Sabbo (Balady One Ltd) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/2028/RCU, dated 13 April 2022, was refused by notice dated 30 June 2022.
 - The development proposed is described as 'adding new shopfront shutter'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. The Council's decision notice describes the proposal as 'new shopfront with shutters (Retrospective Application)', and this is also the description entered by the appellant on the appeal form. The revised description makes it clear that the proposal is for both the shopfront and shutter, and I have considered the appeal on that basis.
3. The application form indicates that the development applied for has been completed and I saw it in place at my visit. I have therefore determined the appeal on the basis that the development has already occurred.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the host building, a locally listed building; the effect of the proposal on the character and appearance of the Wood Street Conservation Area; and the effect of the proposal on the setting and significance of The Mitre Public House, a Grade II listed building.

Reasons

5. The appeal relates to a ground-floor shopfront within part of a three-storey building which also includes commercial units at 62 and 64 High Street. The building is of distinctive appearance with prominent deep chimneys, consistent detailing along the top of the frontage and a regular arrangement of sliding sash windows to the upper floors. In addition to the commercial shopfronts, the ground-floor frontage to the building includes an access between Nos 62 and 64 through to the rear of the building, and an arched doorway between the appeal site and No 62. As a locally listed building, the building comprises a non-designated heritage asset having regard to the National Planning Policy

Framework ('the Framework'). Insofar as it is relevant to this appeal, I consider that the significance of the building derives in part from the architectural quality and relative consistency of the front elevation and its aesthetic value in the street scene.

6. The appeal site is also located within the Wood Street Conservation Area ('the CA'). The CA is focused around the commercial town centre of Chipping Barnet where there are a mix of commercial uses, community buildings and residential uses which add to the vitality and viability of the area. Buildings are of a range of ages and styles, and the Wood Street Conservation Area Appraisal 2007 ('the CAA') notes a high number of listed, locally listed and unlisted buildings as making a positive contribution to the architectural and historic interest of the area. The CAA also highlights the cohesiveness of street frontages as one of the notable features of the CA. The shopfronts to the appeal building are part of the retail frontage on this part of the High Street, and reflect the historic pattern of development with a mix of uses in the town centre. Together with the distinctive appearance of the building which is fairly prominent in the street, I consider that the building makes a positive contribution to the character, appearance and significance of the CA.
7. The appeal building is also adjacent to the Mitre Public House which is a Grade II listed building dated to the 17th century. Insofar as it is part of the immediate visual context within which the pub is seen and demonstrates the evolution of the area around it, I consider that the appeal building makes some contribution to the significance of the listed building as part of its setting.
8. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA'), I have had special regard to the desirability of preserving the adjacent listed building, its setting and any features of special architectural or historic interest which it possesses. I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the CA in accordance with section 72(1).
9. The shopfront proposed includes a large glazed panel within a blue metal frame and a metal framed door which is set back from the street beneath a fascia sign. The fascia is set only minimally below the first floor window cills of the host building contrary to guidance in the Council's Design Guidance No. 10 Shopfronts ('DG10'), but the limited spacing is similar to that to the adjacent fascia at No 62 so does not appear incongruous here. The appellant has also provided photographs showing the pre-existing fascia reaching a similar height. However, the fascia now before me extends wider than the shopfront frame beneath, projecting out to one side over part of the arched doorway between the appeal site and No 62. This is contrary to guidance in DG10 that fascias should be contained within the shopfront. It gives an unbalanced appearance to the frontage, and the juxtaposition of the fascia overlapping the doorway arch is awkward and visually jarring. In addition, the clearly artificial appearance of the brickwork effect background to the fascia and its contrasting beige colour sit unsympathetically against the traditional yellow stock brickwork to the exterior of the host building.
10. The frame around the entrance door is of similar design to the rest of the shopfront, but the door is raised some way above the street level to a similar height as the top of the adjacent stallriser, with access provided by a ramp that extends out from the shopfront with metal hand rails. Based on my

observations, the lack of a kickplate or bottom panel to the door is not unusual in the vicinity of the site, but I saw that it opens outwards to hang over the ramp, with a fairly significant height gap at the street frontage that appears incongruous.

11. The Council has also raised concern about the colour of the shopfront frame. I acknowledge that there are some other examples of shopfronts and buildings in fairly bold colours nearby, but the bright blue of the shopfront is nevertheless eye-catching and increases the prominence of the development in the street scene. Similarly, the projection of the ramp with handrails forward of the shopfront may affect only a small part of the width of the footway so that any obstruction to pedestrians is minor, but it further draws attention to the shopfront, exacerbating the visual impact of the development.
12. Furthermore, the proposal includes a solid external shutter. When closed, this shutter would completely obscure views into the premises, and would result in an unsightly blank frontage. While this may only occur when the unit is closed and the appellant suggests there are other solid shutters in the area, it would nevertheless detract from the vitality of the street scene. The appellant indicates that they would be willing to accept a planning condition to alter the shutter to an open mesh grille type, but no details of any alternative design are before me to consider which limits my confidence that a satisfactory solution would be available. As a result and having regard to the sensitive location of the site as part of a locally listed building within the CA and adjacent to a listed building and mindful of the statutory duties under Sections 66(1) and 72(1) of the LBCA, I am not satisfied from the information before me that this is a matter that could appropriately be left to be considered by a planning condition.
13. In combination, I find that the fascia, shop entrance, shopfront colour and external shutter result in a discordant and unsympathetic development that relates poorly to the host building causing harm to its character, appearance and significance. The development further detracts from the vitality, character and appearance of the wider street scene causing harm to the significance of the CA, and draws focus and attention from the adjacent listed building to the detriment of its significance.
14. The appellant comments that the previous shopfront was in poor condition, but the photographs provided indicate that it was more muted in colour with a fascia broadly contained within the width of the shopfront. Notwithstanding its condition, I consider its appearance in the street scene would have been more discreet and sympathetic than the development before me, and I do not therefore find this to be a compelling justification for the harm caused by the appeal proposal.
15. There is undoubtedly diversity in the design of shopfronts in the vicinity of the site. However, I do not have full details of the circumstances which led to these developments, and moreover, I have not been directed to any which incorporate a combination of all elements of the appeal development which I have found in combination to be unacceptable. The variety in the area does not therefore alter my assessment of the proposal which I have considered on its own merits.
16. Although the development is clearly visible at the appeal property, it affects only a small part of the host locally listed building so that I consider the harm

to the significance of the building as a non-designated heritage asset to be less than substantial in the terms of the Framework. The contribution that the appeal property makes to the overall significance of the CA is relatively limited, and visual effects of the proposal are localised, so that I find the degree of harm is more modest than that to the locally listed building. Nevertheless, the contribution that the property makes to the character and appearance of the area is diminished by the proposal causing less than substantial harm to the significance of the CA. Similarly, the contribution that the site makes to the overall significance of the adjacent listed building as part of its setting is modest, and I consider the harm caused to be less than substantial.

17. While I have found that the harm to heritage assets is in each case less than substantial, and in the case of the CA and adjacent listed building I consider the harm to be at a fairly low level, the Framework outlines that heritage assets are irreplaceable and great weight should be given to the conservation of designated heritage assets. It sets out that the less than substantial harm to the CA and listed building should be weighed against the public benefits of the proposal. In weighing applications that affect non-designated heritage assets, it indicates that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
18. The appellant indicates that the alterations have improved the viability of the unit and will protect the ongoing commercial use. However, there is no firm detail before me to demonstrate that viability is dependent on a shopfront of the design applied for which I have found to be unsympathetic, limiting the weight that I give to this factor as a benefit of the proposal. In my judgement, the public benefits of the proposal are insufficient to outweigh the harm caused to the CA and adjacent listed building as designated heritage assets, a matter that attracts considerable importance and weight. Taking a balanced judgement, I find that the benefits of the proposal are also insufficient to outweigh the harm to the significance of the locally listed host building.
19. I therefore conclude that the proposal causes unacceptable harm to the character and appearance of the host locally listed building, to the character and the appearance of the Wood Street CA, and to the significance of the adjacent listed building. Accordingly there is conflict with Policies CS1 and CS5 of the Local Plan Core Strategy 2012 and Policies DM01 and DM06 of the Local Plan Development Management Policies Development Plan Document 2012. Amongst other things, these policies broadly seek a high quality environment, development that respects local context and character and that preserves or enhances conservation areas, listed buildings and locally listed buildings.

Conclusion

20. For the reasons given above, I find that the proposal conflicts with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR