



Appeal Decision

Site visit made on 10 October 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2023

Appeal Ref: APP/N5090/W/23/3320505

751 High Road, North Finchley, London N12 8LF

- 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 Vivek Mahan, Varis Investments Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/3676/FUL, dated 15 July 2022, was refused by notice dated 20 October 2022.
 - The development proposed is construction of a three-storey extension above existing building to provide 7no. self-contained flats and retention of the ground floor and basement for retail use. Associated amenity space, refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more concise than that used in the planning application form. The appellant has used this revised description in the appeal form and so I am satisfied that no parties would be prejudiced by using this in my decision.
3. During my visit, I was able to see the proposal from numbers 5 and 7 Derby Avenue (No 5 and 7) to the rear of the site. However, despite advanced notice of my visit being sent, I was unable to gain access to number 3 Derby Avenue (No 3). Nevertheless, I was able to see the effect of the proposal on No 3, including from the adjoining properties to the side and rear. I am therefore satisfied that I have a good understanding of the impact of the proposal on No 3 and its occupiers, on which to base my decision.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area; the living conditions of the occupiers of Nos 3, 5 and 7, with regard to outlook; and whether the proposal makes adequate provision for vehicle and cycle parking.

Reasons

Character and Appearance

5. The site consists of a former single and two-storey property on High Road, which becomes Ballards Lane to the south of the site. It is within a parade of shops with several storeys of accommodation above, in the primary shopping

frontage of North Finchley Town Centre. Planning permission¹ (the 2021 consent) has been granted to replace the previous building with a four-storey structure consisting of a retail unit at ground floor and five self-contained units on three upper floors, including a mansard roof at third floor level. On site, a building similar to that approved by the 2021 consent has reached an advanced stage of construction.

6. North Finchley Town Centre Framework Supplementary Planning Document (NFSPD), dated February 2018, identifies that recent development locally has resulted in a loss of townscape character, with buildings of varying heights, massing and scale. It therefore requires that new development should demonstrate how the townscape can be enhanced, including in respect of its roofscape and design.
7. The proposal before me seeks to erect a building containing seven flats instead of that approved by the 2021 consent. At ground and first floor levels, the proposal would have a design and appearance similar to that approved under the 2021 consent. This would include a frontage set back from that of the properties either side, reflecting the siting of the previous building. At third floor level, the mansard roof of the 2021 consent would be replaced with a full storey, and at fourth floor level a new mansard roof is proposed, containing further residential units. The mansard roof would be set back from the front elevation, and so it would appear subordinate to the rest of the building.
8. The roofscape and ridge heights of the parade of buildings that includes the appeal site have a degree of consistency. The building approved by the 2021 consent has a ridge height that would broadly align with that of the buildings either side, at 369/371 Ballards Lane (Nos 369/371) and 753 High Road. In contrast, 757 High Road (No 757) and 759 to 761 High Road (Nos 759-761), have much taller ridge heights than others in the parade. The proposal would have a ridge line slightly taller than that of Nos 759-761 but below that of No 757. It would also have an eaves level below that of Nos 759-761.
9. Even so, Nos 757 and 759-761 represent exceptions to the prevailing heights of the parade here. Furthermore, the additional storey of the proposal would result in fenestration at a much higher level than that found even on Nos 757 or Nos 759-761, which consist largely of blank roof or walling on their frontage at these heights. The taller height and design of the proposal would therefore disrupt the broad rhythm of ridge heights and roofscape along the parade as a whole. As a result, it would appear overly dominant, disproportionate and incongruous in the street scene.
10. The appeal site lies close to several Opportunity Areas where the NFSPD envisages larger development densities of up to 12 stories. Nevertheless, the site does not lie within such an Opportunity Area and so has not been identified as being suitable for the taller heights intended in these areas. The proposal would have a contemporary design and high-quality materials, but this is also true of the building approved by the 2021 consent and so provides little additional justification for it.
11. For the reasons given above, I consider that the proposal would have a harmful effect on the character and appearance of the area. As such, it would be contrary to policies CS1 and CS5 of the Barnet Local Plan Core Strategy,

¹ LPA reference 20/5753/FUL approved June 2021.

adopted September 2012 (BCS). These policies seek the highest standards of urban design, which respects local context. It follows that the presumption in favour of development contained in BCS Policy CS NPPF does not apply and so the effect of this policy is neutral.

12. For similar reasons, the proposal would conflict with Policy DM01 of the Council's Development Management Policies (DMP), adopted September 2012, which requires that proposals respect the appearance of surrounding buildings. It would also conflict with the similar requirements of Policy D3 of the London Plan (LP), adopted March 2021. By not enhancing the design or roofscape of the area, the proposal would conflict with the NFSPD. It would similarly conflict with the Residential Design Guidance Supplementary Planning Document (Design SPD), dated October 2016, which requires that distinctive building forms and heights are respected.

Living Conditions

13. To the rear of the appeal site are dwellings on Derby Avenue. Immediately behind the proposal are Nos 3, 5 and 7, each of which consist of terraced houses and their rear gardens. At ground, first and second floor levels, the proposal would have the same rearward alignment as the 2021 consent. However, at third floor level, the staggered rear elevation and balcony would partially project further to the rear than the 2021 consent. The fourth-floor mansard would be set back but, as I have already found, it would add to the overall height of the building.
14. There is no dispute that the proposal would have no adverse effects on the living conditions of properties in Derby Avenue in terms of light, overshadowing or privacy. Furthermore, the rear building line of the properties adjacent to the appeal site is varied, and the upper storeys of the proposal would be no closer to the closest terrace on Derby Avenue than those of Nos 369/371 or Nos 759-761.
15. Even so, compared with the 2021 consent, the proposal would incorporate both a rearward projection at third floor level and an increase in the overall height of the building. Consequently, the proposal would result in a building of a large scale being prominent from the rear of Nos 3, 5 and 7. The large height, mass and expanse of the additional built form of the proposal would have a dominating and overbearing impact on Nos 3, 5 and 7. As such, it would intrude into the obtainable outlook from these properties and make them and their gardens a less pleasant place to reside.
16. For these reasons, the proposal would have a harmful effect on the living conditions on the occupiers of Nos 3, 5 and 7, with regard to outlook. Accordingly, it would conflict with DMP policy DM01, which requires proposals to allow for adequate outlook for adjoining occupiers, and BCS Policy CS5, which requires that the gardens of residential properties are protected and enhanced. It would also conflict with the requirements for sufficient outlook for occupiers required by the Design SPD and the Sustainable Design and Construction Supplementary Planning Document, dated October 2016.

Vehicle and Cycle Parking

17. The site lies within an area with a Public Transport Accessibility Level of 4, meaning that it has good public transport availability. It is within a Controlled

Parking Zone with double yellow lines and parking bays in the vicinity of the site. DMP Policy DM17 sets out maximum parking standards which for the proposal would amount to between six and ten spaces. LP Policy T6.1 also sets out maximum residential parking standards.

18. The proposal would not provide vehicle parking. Instead, it is intended that the proposal and its occupiers would be car-free. Provided this can be secured, the Council has confirmed that this would overcome its concerns in respect of vehicle parking. To this end, the appellant has submitted a draft UU that seeks to ensure that occupiers of the flats would not be eligible for parking permits. However, the draft UU has not been signed or dated. As it has not therefore been executed, I can give it no weight.
19. As such, there would be little to prevent occupiers of the proposal from seeking parking permits. Vehicle parking generated from the proposal would place additional pressure on existing on-street parking spaces. This would be greater than that generated under the 2021 consent because of the larger number of units, and because of the measures secured under that consent to prevent occupiers having permits. On this basis, the proposal may well result in undue overspill of kerbside car parking, risking the safety of highway users and interrupting the free flow of traffic.
20. The appellant has subsequently stated that a car parking survey has been undertaken. This is said to demonstrate that car parking stress levels locally are significantly below the relevant threshold, such that parking permit restrictions are not necessary. However, no substantive details of the survey or its methodology have been provided to me. I can therefore give this little weight.
21. The DMP and LP standards are maximum requirements, but there is no dispute that either a UU or survey evidence is required to justify car-free development in this location. In the absence of these, I consider that the proposal does not make sufficient provision for vehicle parking.
22. To encourage cycling and reduce car dependency, LP Policy T5 and its Table 10.2 set out minimum standards for cycle parking, equating to 21 spaces for the proposal. The proposal includes 14 spaces, two for each flat, but makes no provision for its retail element. The Council seeks a financial contribution for this shortfall. The site previously contained a Post Office which would have generated some demand for cycle spaces, and I understand that the contribution was not sought under the 2021 consent, which includes a shop of similar floorspace to the proposal.
23. However, the Post Office no longer exists here, and I must consider the proposal before me on its own merits, against the LP standards. Having regard to the Community Infrastructure Levy Regulations 2010, the contribution is necessary to make the development acceptable in planning terms, is directly related to the proposal and is fairly and reasonably related in scale and kind to it. In its absence, the proposal does not make sufficient provision for cycle parking facilities.
24. Accordingly, for the reasons given above, I consider that the proposal does not make adequate provision for vehicle and cycle parking. As such, it would conflict with DMP Policy DM17, as well as with BCS policy CS9 which requires

safe, effective and efficient travel. For similar reasons, it would also conflict with LP Policies T5 and T6.1.

Other Matters

25. The proposal would result in an efficient use of land in a built-up area, located within a Town Centre where development is encouraged and where occupiers would have easy access to shops, services and sustainable transport links. Future occupiers of the proposal would make a positive social and economic contribution to the area, as would its construction economically. It would also provide an acceptable standard of accommodation for its occupiers. Nevertheless, being for seven units of accommodation, these benefits would be relatively small-scale and so I give them limited positive weight.
26. The proposal would increase the supply of homes and, as a small site, could be delivered relatively quickly. However, the proposal would result in a net gain of only two additional units of accommodation beyond the five units approved by the 2021 consent. As such, the housing supply benefits of the proposal would be modest and so I give them limited positive weight.

Planning Balance and Conclusion

27. For the reasons given, the proposal would conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR