



Appeal Decision

Site visit made on 18 October 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/N5090/W/23/3319669

Temple Fortune House, Finchley Road, Barnet, London NW11 6XH

- 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 Metropolitan Property Realizations Limited against the decision of Barnet London Borough Council.
 - The application Ref 22/5641/FUL, dated 15 November 2022, was refused by notice dated 24 January 2023.
 - The development proposed is demolition of existing garages and construction of single-storey dwelling, outbuilding with associated landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is within the Hampstead Garden Suburb Conservation Area and as such I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Furthermore, Hampstead Garden Suburb is protected both by these statutory powers and by the Hampstead Garden Suburb Trust (HGST) which has separate legal powers to maintain and preserve the present character and amenities of Hampstead Garden Suburb.
3. Also, Temple Fortune House is a Grade II Listed Building. There are also Listed Buildings nearby including Vivian House, 166 Hampstead Way to the south of the appeal site and Nos 1 and 3 Asmunds Place, a pair of Grade II listed artisan cottages to the east of the appeal site. I have had regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest as required under Section 66(1) of the Act. However, there is no dispute between the parties that the listed buildings or their settings would be adversely affected by the proposal and I have no reason to come to a different conclusion.

Main Issues

4. The main issues are: -
 - whether the proposal would preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area; and
 - the effect of the proposed outbuilding on trees.

Reasons

Conservation Area

5. Finchley Road is fronted by commercial properties including Temple Fortune House, a large three storey building. The appeal site comprises an area of land to the rear of Temple Fortune House and comprises blocks of flat roofed garages accessed from a narrow passageway between Temple Fortune House and a Marks and Spencer food store.
6. The existing garage blocks are simple flat roofed buildings arranged in three blocks of 2, 3 and 5 garages with a large area of hardstanding for access and manoeuvring. They sit amongst a backdrop of large three storey plus buildings and a number of trees. Occupiers of some of the surrounding buildings are able to look down onto the garages.
7. The Hampstead Garden Suburb Conservation Area includes and surrounds the appeal site on the eastern side of Finchley Road. Apart from the taller buildings on Finchley Road, the rest of the Conservation Area is more domestic in character and comprises Arts and Crafts style two-storey dwellings. The Conservation Area Character Appraisal¹ describes Hampstead Garden Suburb as being internationally recognised as one of the finest examples of early twentieth century architecture and town planning.
8. The Character Appraisal identifies the site as being within the Artisan Quarter (Area 2) which is part of the original 1907 land purchase from Eton College and was the first part of the suburb to be developed. The Temple Fortune Gateway Buildings, Temple Fortune House and Arcade House (located to the south) were marked on the earliest plans for the suburb prepared by Raymond Unwin in 1905 and were completed in 1912. Raymond Unwin gradually modified his original plans for the suburb when the current layout of what is now referred to as the Artisan Quarter was finalised. Most of the streets are attributed to Unwin and his partner Barry Parker, though the houses were probably designed by architects working in the Parker and Unwin office. This has led to what can be seen today as coherent groups of houses with similar features.
9. The Appraisal describes the variety of housing, maisonettes, small and large cottages and social housing as an early expression of Unwin's planning ideas and his belief that excellence in architectural design could be applied to cottages and major buildings alike. The Grade II listed Temple Fortune House and Arcade House mark the entrance to the suburb from Finchley Road. Their Bavarian influenced design brought together shops and flats into the building whilst the residential buildings within the Artisan's Quarter have a consistent domestic scale which contrasts with the monumental buildings of Temple Fortune Gateway.
10. The Character Appraisal identifies the area to the north of the appeal site as Finchley Road (Area 16). This is very different to Area 2 and comprises a linear section of the Conservation Area on the eastern side of Finchley Road. Whilst Finchley Road turnpike was constructed in 1826, the development north of Temple Fortune House and Arcade House date from 1933 and 1938. The

¹ Barnet London Borough – Hamstead Garden Suburb Conservation Area Character Appraisal Statement. Note separate sections of this document have been submitted including an Introduction section, Artisans' Quarter – Area 2 and Finchley Road – Area 16.

Appraisal describes the shopping parades along this section of Finchley Road as being developed to serve the new Hampstead Garden Suburb community.

11. The Appraisal further sub-divides Area 16 in two sections (1) the Marks & Spencer store (M&S) to Willifield Way to the north and (2) Willifield Way to Addison Way, further north. The appeal site is closest to the first of these sub-divided areas. The M&S store is a 1934 Art Deco influenced building. It is a large and prominent building fronting Finchley Road with its access to a car park located immediately to the north of the appeal site.
12. The appellant refers to the appeal site as being a transitional area between Areas 2 and 16 but I disagree. Area 16 is primarily commercial in its historical development and character (whilst there are upper floor flats) and the large Art Deco M&S is a dominant building. Temple Fortune House is also a dominant building but it and the appeal site are within Area 2 where there is a mix of domestic scale buildings. The appeal site reflects this domestic scale. Moreover, the proposed development is a domestic one and it is more appropriate to associate it with the prevailing domestic character of the properties in Area 2.
13. As stated above, the Conservation Area is of recognised architectural and planning importance. Its combination of buildings and the prevailing character of its domestic buildings are important aspects to the significance of this heritage asset.
14. I appreciate that the appellant has opted for a modern design with a contemporary flat roofed construction, aluminium fenestration and parapet and glazing. It would incorporate a green roof to create the appearance of a garden when viewed from the upper levels of surrounding properties. I note that the outbuilding would be larger than the size restrictions set out in the Design Guidance². Whilst contemporary buildings can sit alongside traditional ones, the contrast in scale, form, design and appearance of these buildings would conflict sharply with the strong traditional uniformity of the style of buildings in Area 2 of this Conservation Area.
15. Taking the above matters into account, the proposed buildings would appear alien and out of keeping with the buildings in the area and therefore neither preserve or enhance the character or appearance of the Conservation Area. As such this would be harmful to the significance of the Conservation Area.
16. Paragraph 199 of the National Planning Policy Framework³ advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and location of the proposal, I find the harm to the Conservation Area to be less than substantial. Under such circumstances, paragraph 202 of the Framework advises that the harm should be weighed against the public benefits of the proposal.
17. The provision of a dwelling would represent a public benefit but that benefit would be small as it relates to a single new home. The appellant states that the occupiers of the proposed dwelling would have a good standard of amenity and no harm would be caused to the occupiers of surrounding properties. Also, although no issue has been raised about highway or pedestrian safety, I note that the access is narrow and the boundary wall was in a state of disrepair at

² Hampstead Garden Suburb Conservation Area Design Guidance.

³ Department for Levelling Up, Housing and Communities National Planning Policy Framework, 2023.

the time of my visit which would restrict access. However, assuming the damage is a temporary situation, the access already serves the garages and so access for one dwelling is unlikely to result in harm in this regard. Also, no ecological constraints have been identified. However, these matters simply highlight the lack of harm likely to arise in relation to them and do not amount to public benefits that would weigh in favour of the proposal.

18. The proposal includes the demolition of the existing garages although they serve a functional and ancillary role to the buildings around them, they were not part of the original concept or design for the suburb and they are unattractive. As such, I see no harm in their demolition. However, whilst the existing garage blocks add nothing to the architectural merits of the area and have a neutral effect on the character and appearance of the Conservation Area, their replacement with the proposed buildings would themselves cause harm in that they would conflict with the prevailing design of buildings in this area. Therefore, the weight I can attribute to this is limited.
19. For the above reasons, the public benefits would be insufficient to outweigh the harm that I have found to the Conservation Area. Consequently, the proposal would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area, it would conflict with the Framework and Policy CS5 of the Barnet Core Strategy⁴ and Development Management Policies⁵ DM01 and DM06 which collectively seek to protect local character and Barnet's heritage including Conservation Areas.

Trees

20. As stated above, there is a substantial backdrop of trees around the perimeter of the appeal site. These contribute to the setting of the Conservation Area and their loss would have an adverse effect on its setting. However, the proposal does not include works to the trees and there is no suggestion that they would be harmed during demolition works or construction of the outbuilding. However, concern has been expressed that the use of the outbuilding and possibly the installation of services could result in pressure to carry out works or even lead to the felling trees.
21. The proposed outbuilding would provide an internal storage area and an open sided external/garden kitchen. It would be sited in the same area as one of the blocks of garage and although this would be beneath a tree canopy, it would essentially replace an existing building.
22. The outbuilding is designed as just that, an outbuilding, it would not provide living space and it is not intended as any kind of garden room. Its use would be ancillary to the main house and I see no reason why its existence would put post development pressure over the longer term that would impact negatively on the life expectancy of the trees. In any event, the trees are protected due to their location in a Conservation Area and the Council would ultimately have the authority to allow or decline works to the trees.
23. Given the design of the outbuilding and its intended use, I do not consider it reasonable to pre-empt what, if any, pressure future occupiers may place on works to the surrounding trees. I do not therefore consider that the proposal

⁴ Barnet London Borough – Barnet's Local Plan (Core Strategy) Development Plan Document September 2012.

⁵ Barnet London Borough – Barnet's Local Plan (Development Management Policies) Development Plan Document September 2012.

would conflict with the aims of London Plan Policy G7⁶ which, amongst other things, seeks to protect existing trees of value. It would also not conflict with the policies referred to above in relation to the character and appearance of the area and the heritage significance of the Conservation Area.

Other Matters

24. I note that the appellant has engaged in pre-application discussions with the Council and HGST and the proposal follows an earlier refusal which the appellant has attempted to address. However, whilst I appreciate the appellants frustrations this does not override the harm I have identified.
25. The proposal includes the demolition of the existing garages and current users of the garages have expressed concerns about their loss. This would however be a private matter between landowners.

Conclusion

26. Although I have found that there is no justification for withholding permission on the basis of any future impact on trees, I have found that the proposal would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR

⁶ Mayor of London The London Plan The Spatial Development Strategy for Greater London, March 2021.