



Appeal Decision

Site visit made on 12 December 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/N5090/W/23/3322393

Pizza Express, 242-248 High Street, Barnet EN5 5TD

- 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 Pizza Express Restaurants Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/6072/FUL, dated 22 December 2022, was refused by notice dated 24 April 2023.
 - The development proposed is described as "the works are to an existing pizza restaurant and comprise the alteration of one ground floor window to form an openable section."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the application form is 242-248 Pizza Express, High Street. I have used the address on the appeal form in the banner heading above, as it is more accurate.
3. The Council have referred to the Residential Design Guidelines Supplementary Planning Document 2016, roof extensions and a retrospective planning application within their appeal documentation. As the appeal premises are not in residential use, and the appeal scheme relates to proposed works to a shopfront only, the document and reference to other these other matters are not relevant to the determination of this appeal.
4. In determining this appeal involving development within a Conservation Area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the revised version.

Main Issue

6. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Monken Hadley Conservation Area.

Reasons

7. The appeal site lies within Monken Hadley Conservation Area (CA), the character of which stems from a long association with a predominantly rural society. As a result, the CA is characterised by green, open spaces, 18th and 19th century development and predominately low built density, with the exception of the tighter knit, largely commercial development on Barnet High Street, in which the appeal site lies. Commercial properties within this area have a mix of traditional and modern shopfronts. The CA's significance derives from the retained leafy, open areas, predominately low-density development, retained traditional shopfronts and sympathetic, largely uniform style of modern shopfronts.
8. The appeal relates to works to a shopfront on the ground floor of a two storey building, which directly fronts High Street. The shop front is relatively modern, with a rigid and uniform order to its fenestration comprising four arched openings at ground floor. Although the right-hand side opening comprises a door, its design largely reflects that of the other three openings. While noting the forecourt and signage at the adjoining premises, the frontage of the appeal site has a pleasing symmetry and rhythm of openings, with a largely vertical emphasis and simple design. Although not traditional, the frontage of the appeal site contributes positively to the character and appearance of the building and area.
9. The proposed works would substantially subdivide and introduce a horizontal emphasis to the opening. While the appellant contends the drop-down shelf is an ephemeral feature, that could be easily removed from the shopfront when no longer required, it has, nevertheless, been applied for on a permanent basis.
10. As a result of the proposed development, the coherence between the four openings would be undermined, and the simplicity, rigid uniformity and verticality of the shopfront as a whole would be eroded and unbalanced. The drop-down bag shelf would be a prominent feature, that would further subdivide and reinforce the horizontal emphasis of the appeal scheme. Consequently, the development proposed would fail to preserve or enhance the character and the appearance of the Monken Hadley CA as a whole. As a result, the proposed works would result in harm to the significance of the designated heritage asset.
11. As required by paragraph 205 of the Framework, great weight should be given to the conservation of designated heritage assets, irrespective of the amount of harm identified. The harm to the character and the appearance of the CA in this instance would be less than substantial.
12. Paragraph 208 of the Framework states that if a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.
13. As a result of the proposed works, the appellant contends there are a number of public benefits, including economic and social benefits. They say the alterations are required to help improve the flow and minimise conflict between customers and delivery staff within the restaurant, which is exacerbated by the modest nature of the premises.

14. The appellant highlights the need to entice new and existing customers into the premises, in a difficult climate, and the proposed development will ensure the viability of the business, which provides a space for social interaction, and vitality of the wider area, including pedestrian activity.
15. However, there is limited substantive evidence of any economic, social and viability benefits as a direct result of the proposed works. There is also limited substantive evidence demonstrating the extent of the conflict highlighted and, while only a snapshot in time during a quieter part of the day, I did not observe any such issue during my site visit. Moreover, it has not been demonstrated that the proposal is the only means by which these benefits could be achieved, even accounting for the modest size of the premises. Consequently, it has not been demonstrated that the benefits of the appeal scheme would outweigh the harm to the significance of the designated heritage asset which I have identified.
16. For these reasons, the proposed development would fail to preserve or enhance the character or the appearance of the CA as a whole. This is contrary to the Act, Policies HC1 and D1 of The London Plan 2021, Policies CS NPPF and CS5 of Barnet's Local Plan Core Strategy Development Plan Document September 2012, Policies DM01 and DM06 of Barnet's Local Plan Development Management Policies Development Plan Document September 2012, and the guidance within Design Guidance No. 10 Shopfronts.
17. Collectively, these policies seek, among other things, to ensure development protects and enhances Barnet's character, conserves the significance of heritage assets, preserves and enhances the character and appearance of conservation areas and ensures modern shopfronts are attractive and relate properly to the design of the building which it fronts. The proposed development is also contrary to the Framework, which seeks to ensure development is visually attractive and sympathetic to local character and conserves and enhances the historic environment.

Conclusion

18. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR