



Appeal Decision

Site visit made on 20 February 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Appeal Ref: APP/N5090/W/23/3326339

1 Holly Park, Finchley, Barnet, London N3 3JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Kokila Mistry against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/1102/FUL.
 - The development proposed is described as an "additional floor at the front and a two-storey rear extension above existing undercroft car parking, to provide 4no self-contained residential units. External alterations to existing building, including alterations to windows and balconies and alterations to render. Associated car parking, cycle store, refuse/recycle store."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. Barnet's Draft Local Plan has been submitted for examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. However, I am not aware of the exact stage it has reached, the extent of unresolved objections or whether its policies will be considered as consistent with the Framework. Consequently, in accordance with paragraph 48 of the Framework, I give it limited weight.
4. The description of development in the banner heading above has been taken from the original planning application form. However, while the description references a two storey rear extension above an undercroft car park, the submitted plans show a three storey rear extension above an undercroft car park. The Council's amended description reflects the height of the proposed extension as shown on the submitted plans. I have considered the appeal on this basis.
5. The appellant has submitted a Green Rhino Planning Hybrid Parking Survey/Transport Statement as part of this appeal, in response to the Council's third reason for refusal. The Council have provided comments in respect of this

additional document. However, third parties have not, and I cannot be certain that their interests would not be prejudiced if I were to accept it. Therefore, I have determined the appeal based on the plans and documents submitted with the planning application to the Council and upon which the views of interested parties were sought.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the host building and area,
- the effect of the proposed development on the living conditions of the occupiers of neighbouring properties at 116 Regents Park Road, with particular regard to outlook, and
- the effect of the proposed parking provision on highway safety.

Reasons

Character and appearance

7. The appeal site, 1 Holly Park, comprises a four storey building with a car park to the rear, located on a corner plot at the junction with Regents Park Road and Holly Park. The area is largely characterised by taller buildings fronting Regents Park Road, with more modest height properties, typically two storey, to the rear, along Holly Park and neighbouring streets. Materials in the area predominately comprise brick, render and tiled roofs. No 1 contributes to the character of the area, by reason of its materials, height, direct frontage with Regents Park Road and relatively open rear aspect.
8. The proposed development seeks to increase the height of No 1 through the creation of an additional storey, to create a five storey building fronting Regents Park Road. It also seeks to extend No 1 at the rear, with a three storey extension above an undercroft car park.
9. The proposed development would substantially extend the rear elevation of No 1. Having regard to the land levels within the appeal site, although fewer stories are proposed as part of the rear extension, it would be almost the same height as the proposed five storey frontage building.
10. While noting Policy H2 of the London Plan March 2021 (LP) recognises that planning decisions should accept that local character evolves over time, the proposed rear extension would significantly increase the scale and bulk of No 1, resulting in an extension that is overly tall, dominant and not subordinate to the host building. Having regard to its prominent corner plot location and proximity to properties along Holly Park, the proposed development would result in an imposing and incongruous form of development, at odds with, and detrimental to, the host building and prevailing character of the area.
11. The appeal scheme proposes the use of seam metal cladding, which is not highly prevalent in the area. However, the bulk of the development would be constructed in brick, which would reflect the prevailing character of the area. Therefore, the use of such material would not be significantly at odds with existing built development such that it would be harmful to the character and appearance of the locality.

12. Planning permission¹ (the approved scheme) has previously been granted for extensions to No 1. This scheme would create, among other things, a rear extension two storeys high, above an undercroft parking area. It would comprise a fallback position if the appeal scheme does not go ahead. Although the appeal scheme is similar to the approved scheme, the difference in height between the rear extensions proposed in each respective scheme is significant. Therefore, the appeal scheme would be substantially more prominent and dominant in the street scene. While the appeal scheme was intended to provide more visual interest to the rear than the approved scheme, the two schemes are not directly comparable, and the fallback position does not therefore provide a justification for the appeal proposal.
13. For these reasons, having taken into account the fallback option offered by the approved scheme, the proposed development would result in unacceptable harm to the host building and character and appearance of the area, contrary to LP Policy D3, Policies CS1 and CS5 of Barnet's Local Plan Core Strategy Development Plan Document September 2012 (CS), Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document September 2012 (DMP) and the Local Plan Supplementary Planning Document: Residential Design Guidance October 2016 (RDG).
14. Collectively, these policies and guidance document seek to ensure, among other things, that development enhances local context and positively responds to local distinctiveness, helps to protect and enhance Barnet's character and respects local context and distinctive local character. It is also contrary to the Framework which seeks, among other things, to ensure development is visually attractive and sympathetic to local character.

Living conditions

15. No 1 is located adjacent to 116 Regents Park Road and both buildings have frontages with Regents Park Road. No 116 is a two storey building with dormer roof extensions and a staggered rear elevation. There is a vets practice on the ground floor of No 116 and residential units in the upper floors. No 116 has two rear facing windows, one a dormer window and the other a first floor bedroom window. Both are located close to the shared boundary with No 1. While a bedroom is used, among other things, for sleeping, it is, nevertheless, a habitable room.
16. The appeal scheme has the same rear extension depth as the approved scheme. However, the height difference between the two schemes is significant and the appeal scheme would be markedly higher when compared with this fallback scheme.
17. There is disagreement between the parties in respect of the distance between the appeal proposal and No 116. However, irrespective of the distances involved, having regard to its significant height, depth and proximity to the shared boundary with No 116, the appeal scheme would result in a visually dominant form of development. As such, it would increase the sense of enclosure and, in turn, adversely affect the outlook for the occupiers of the residential units at No 116. The impact would be greater for the occupiers of the flat served by the first floor window, by reason of its height and proximity to the shared boundary with No 1.

¹ Council reference: 19/5098/FUL

18. For these reasons, having taken into account the fallback option offered by the approved scheme, the proposed development would have an unacceptable impact on the living conditions of the occupiers of No 116, with respect to outlook, contrary to CS Policy CS NPPF, DMP Policy DM01, the RDG and the Local Plan Supplementary Planning Document: Sustainable Design and Construction October 2016. Collectively, these seek to ensure, among other things, that development proposals are designed to allow for adequate outlook for adjoining occupiers. It is also contrary to the Framework which seeks, among other things, to ensure development proposals have a high standard of amenity for existing users.
19. The Council have referred to CS Policies CS1 and CS5 within their reason for refusal. These policies relate to Barnet's place shaping strategy, protecting and enhancing Barnet's character. As these policies do not refer to living conditions of future occupiers, with regard to outlook, they are not relevant to the main issue.

Highway Safety

20. Holly Park is located in a predominately residential area, comprising a mix of properties, including flats. Regents Park Road is a main highway, with defined on-street parking bays and parking restrictions along it. At the time of my site visit, there were relatively high levels of on-street parking along Regents Park Road, Holly Park and surrounding streets. The site lies within an area with a Public Transport Accessibility Level rating of 3, with seven bus routes accessible from stops on Regents Park Road. It is not located within a Controlled Parking Zone.
21. The proposed development seeks to provide four residential flats, in addition to the four existing residential flats already at the appeal site. The Council state that two off-street parking spaces are required to serve the proposed development. The appeal site is currently served by five off-street parking spaces and no additional parking is proposed as part of the appeal scheme. The Council have confirmed that five off-street parking spaces would be sufficient to serve the proposed development. However, the Planning Statement highlights that two of these spaces are substandard. Therefore, it is likely that up to two vehicles would be displaced on-street.
22. While the appellant contends that there is sufficient on-street parking provision to accommodate two vehicles, limited substantive evidence was provided with the planning application. While only a snapshot in time, during a quieter part of the day, I observed during my site visit that there was a relatively high demand for on-street parking along Holly Park and in the surrounding area. Further evening demand would be likely to come from residents returning from work.
23. Limited evidence has been submitted which demonstrates that there is sufficient capacity to safely accommodate the additional demand for on-street parking that would result from the proposed development. While it is alleged the Council did not request such evidence during the application process, nevertheless, in the absence of such evidence and having regard to the existing demand for on-street parking, the proposed development is likely to increase on-street parking pressure in the immediate area.

24. For these reasons, the proposed parking provision would have a harmful effect on highway safety, contrary to LP Policy T4, CS Policy CS15 and DMP Policy DM17. Collectively, these seek, among other things, to ensure development does not increase road danger, that the safety of all road users is taken into account and limited, or no parking may be acceptable where it is demonstrated through a survey that there is sufficient on street parking capacity. It is also contrary to the Framework which seeks, among other things, to ensure development proposals avoid unacceptable impacts on highway safety.
25. The Council have referred to CS Policy CS9 within their reason for refusal. This policy relates to provision of appropriate transport infrastructure in the borough. As this policy does not refer to parking provision, it is not relevant to the main issue.

Other Matters

26. On the opposite side of Regents Park Road from the appeal site lies a relatively open, grassed area, which is rural in character. There is a tree lined access track leading from Regents Park Road to a cluster of buildings. This area comprises the College Farm Conservation Area (CA). The significance of the CA is derived from the retained open, green area and the higher density of the built development which surrounds it.
27. In determining this appeal involving development within the setting of a Conservation Area, I am required to have special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
28. The proposed development would be in keeping with the higher density built development surrounding the CA. Therefore, notwithstanding the harm I have identified in respect of the main issues, the proposed development would preserve the character and the appearance of the CA as a whole. Consequently, the proposed works would not result in harm to the significance of the designated heritage asset.
29. There is limited substantive evidence of a housing crisis in London and that the Council has failed to meet its housing delivery target. Nevertheless, the provision of four flats, a net gain of one when compared with the approved scheme, would make a modest contribution towards the supply of housing in the Borough.
30. It is noted that the proposed development would provide at least the same benefits as the previous permission and would provide good quality housing. As a small site, the proposed development would comply with LP Policy H2. It would also represent an opportunity to put the site to its best use and ensure an efficient use of the land. The proposed development includes an improvement in respect of refuse storage and proposes to replace a large number of small refuse and recycling bins with two larger bins.
31. While these benefits weigh in favour of the proposal, given the scale of the proposed development, even cumulatively, these benefits attract limited weight.
32. An absence of harm in respect of the standard of accommodation for future occupiers, sunlight and daylight, overlooking and loss of privacy are neutral matters.

33. While the appeal scheme may be an improvement in respect of design and materials when compared to the previous application, it would, nevertheless, result in harm to the character and appearance of the area and the living conditions of neighbouring occupiers.

Conclusion

34. For the reasons given, the proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Consequently, I conclude the appeal should be dismissed.

S Pearce

INSPECTOR