



Appeal Decision

Site visit made on 8 April 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2024

Appeal Ref: APP/N5090/W/23/3333495

2A Moxon Street, Barnet EN5 5TS

- 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 Mr Mark Lewis against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/3509/FUL.
 - The development proposed is additional storey at second floor level with new flat roof. Insertion of front dormer window and creation of new front and rear window openings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Whilst the description above differs from that on the application form, I note that this revised description was agreed with the appellant.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the appeal site and surrounding area, including the setting of the Wood Street Conservation Area (CA).

Reasons

4. The appeal site (No 2A) is a two-storey property bound by Moxon Street, which is set within Wood Street CA and is characterised by mixed-use development of predominantly two-storey buildings. Its immediate neighbours are No 2 which is similar in scale and appearance to No 2A, and 96 High Street (No 96), a two-storey building with a mansard roof giving the appearance of a third storey, which turns the corner of High Street and Moxon Street. Moxon Street slopes gradually from the High Street past No 2A before sharply falling away to the east. The roof of No 2 and No 2A are set significantly below that of No 96.
5. The immediate roofscape of Moxon Street, within which No 2A is located, is uncluttered in its appearance. The exceptions to this are: No 96 to the west, which has a number of dormers to the front elevation on both High Street and Moxon Street; and the new residential building which spans the corner of Moxon Street and Tapster Street, which is predominantly two-storeys with a central gable detail providing a third storey, and includes a number of dormers to the front and rear elevations.

6. The significance of the CA lies in its combination of historic buildings and street patterns which reflect the medieval and later street patterns around Wood Street. The area is noted for the cohesiveness of its street frontages and attractive open and closed spaces which, amongst other things, provide a high-quality environment.
7. The CA Character Appraisal Statement 2007 identifies Moxon Street to be located to the northeast of the CA and set within Character Area 1. Recognised as occupying one of the pockets of residential areas close to the town centre with buildings of modest scale, predominantly two-storey and appearing as a secondary street against the taller more decorative buildings on the High Street. Given the scale and relatively plain exterior of No 2A, it is considered to be an unassuming building supporting the backcloth to the CA.
8. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. It requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a CA. The National Planning Policy Framework (the Framework) sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that assets conservation.
9. The proposal would insert a dormer into the front roof slope and create an additional floor to the rear by increasing the ridge height. The proposed dormer would be wider than the existing window to the upper floor and appear out of proportion with the roof slope. Its presence would dominate the front elevation, drawing the eye to the roof level and the unsympathetic addition.
10. The proposed flat-roof extension to the rear would raise the height of both the ridge and the parapets. Whilst the rear is not fully visible from Moxon Street, it is seen from the rear of properties which bound High Street and Tapster Street and within the CA. This additional height would add extra bulk to the body of No 2A and would dominate the roof slope especially when viewed from High Street, Moxon Street and the junction with Tapster Street. The proposed development, when taken together with the dormer, would result in No 2A losing its subservient scale within Moxon Street and the distinctive character it shares with its immediate neighbour No 2. As such, the proposed development would be harmful to the character and appearance of the surrounding area and the setting of the CA.
11. Whilst No 96 is immediately adjacent to No 2A, it is a commercial building located on the High Street. Its presence on the corner of High Street and Moxon Street competes with the grandeur of those neighbouring buildings and uses on High Street and, as such, contributes towards the character and appearance of the CA. Given this, its context is sufficiently different not to be comparable to the appeal before me.
12. The proposal would harm the setting of the CA; however, I quantify the extent of harm as being less than substantial when considered in the context of paragraphs 207 and 208 of the Framework. It is anticipated that the harm however be balanced against any public benefits the development might bring, and I turn to consider these below.

Public benefits and planning balance

13. The proposal would bring about a number of public benefits, not least the provision of one dwelling to boost the housing supply, and benefits to the local economy during the construction and in the subsequent occupation. Whilst these benefits can be afforded a modest degree of weight in favour of the scheme, they would be limited to the scale of the proposal and, in respect of construction, time limited. These benefits however are significantly and demonstrably outweighed by the harm the development would cause to the character and appearance of the area and to the setting of the CA a designated heritage asset.
14. For the reasons given above, the proposed development would fail to respond to the established character and appearance of the area, and result in harm to the designated heritage asset. Conflict therefore arises with the Act, and the heritage protection and design objectives within Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) 2012; and Policies DM01 and DM06 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012. There would also be conflict with the Local Plan – Supplementary Planning Document: Residential Design Guidance 2016 and the Wood Street Conservation Area Character Appraisal Statement (2007), insofar as they seek for development to respect the character of the area in which it is situated and respond to the positive features of that character.

Other Matters

15. My attention has been drawn to planning application ref: 15/07621/FUL, however, I have not been provided with the details of this application to make a full comparison. Whilst I have been told this application related to the appeal site and the insertion of a number of dormers, it was in collaboration with No 2. Even if Nos 2 and 2A were built at different times, they are connected to No 96 and now form a terrace. Whilst the nature of the development is similar, the circumstances are sufficiently different so as not to be comparable to the appeal before me.
16. The date on which the pre-application meeting took place is not determinative in the assessment of this appeal. Whilst I am sympathetic to the fact the appeal proposal is a resubmission, I can only assess the current proposal based on the information before me, which must focus on the merits of the proposal.
17. I have no substantive evidence to demonstrate that the Planning Officer had assisted with the design of the front dormer or considered the height increase of the roof to be acceptable. Whether or not the Council undertook a site visit does not fall within the scope of my assessment, which must focus on the planning merits of the appeal proposal.
18. Whilst the air conditioning unit to No 96 is visible from within the CA, its presence falls outside the scope of my assessment which must focus on the merits of the appeal.
19. The absence of harm to the amenity of nearby neighbours is a neutral matter in the overall planning balance, as this would be a likely requirement of a well-designed development. Furthermore, the lack of objection from neighbouring properties does not in itself render the scheme acceptable.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

21. I conclude that the appeal should be dismissed.

L Clark

INSPECTOR