



Appeal Decision

Site visit made on 22 February 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 28th May 2024

Appeal Ref: APP/N5090/W/23/3329877
197-203 Ballards Lane, London N3 1LP

- 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 Greyclyde Investments Ltd against the decision of the Council for the London Borough of Barnet.
 - The application reference is 23/1663/FUL.
 - The development proposed is construction of a one and a half storey extension above the existing building to provide 7no. new residential flats (use class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A number of the appellant's documents, including the address shown on the application form, include an apostrophe in the spelling of Ballards Lane. However, on the location plan and in various other documents no apostrophe is used. For consistency, I have not included the apostrophe in the address.
3. The appeal site has been subject to a previous appeal for the addition of two storeys, Appeal Ref: APP/N5090/W/21/3287489. The main parties make various references to this appeal in their documentation and I have considered these in making my decision. However, overall I have considered this appeal on its own merits.
4. The Council have advised that Barnet's Draft Local Plan (Draft Local Plan) is currently at the Examination in Public stage, Regulation 24, of the Town and Country Planning (Local Planning) (England) Regulations 2012. As the examination in public is not yet completed, I cannot be certain whether there are any unresolved objections, policies to be modified, or when the Plan is likely to be adopted. I therefore only attach limited weight to it.
5. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. The references in my decision to the Framework relate to this new document. The main parties were given the opportunity to comment on any relevant implications for the appeal.

Main Issue

6. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

7. Hartnell Court is a three-storey building which has a mix of low-pitched and flat roofs. It sits on a prominent corner of Ballards Lane and Gruneisen Road and is set back from Ballards Lane by a strip of landscaping. Adjacent to it on Ballards Lane and Gruneisen Road are four-storey buildings which are part of the Park Place development. To the rear is the three and four-storey Wentworth Lodge development. Opposite, on Gruneisen Road and northeastwards along Ballards Lane the buildings are more traditional two and three-storey houses. The green area on the opposite side of Ballards Lane from the appeal site is Victoria Park.
8. The proposal would replace the existing roof with two additional storeys and provide seven new dwellings. Its proposed fourth storey would largely match the existing front and rear elevations, and the end elevation facing Gruneisen Road would be set back. The proposed fifth storey would be set back from the fourth storey's front, rear and Gruneisen Road end elevations and it would have a flat roof.
9. As I observed during my visit, Ballards Lane is a long and busy road which has a wide and diverse urban mix of building forms and heights, where some significantly higher buildings are located on corner sites. However, adjacent to and opposite the appeal building, with the row of largely two-storey housing and the openness provided by the public park, the variation in building mass and heights is much more limited. Currently there is a reasonable consistency in the mass and height of the appeal building and the taller buildings that flank it. With its current low-pitched roofs, the large set back of the adjacent building's fourth-storey, and the separation provided by Gruneisen Road, the appeal building also provides a reasonably smooth and gradual mass and height transition with the two and three-storey housing opposite. This creates a positive feature which contributes to the character and appearance of the area. Consequently, while larger and taller than the housing, the appeal building currently does not overly dominate or appear incongruous.
10. The proposed additional storeys would, even with one of the storeys replacing the existing roof and the use of a contemporary design, significantly increase the appeal building's height and mass. They would be highly visible and dominant in the views from Ballards Lane and a number of the surrounding roads. The proposal would not look secondary to the adjacent four-storey buildings and would, even with its set backs, soft landscaping, and stepping, harm the smooth mass and height transition that currently exists. The attempt to soften and integrate the proposed additions through such things as the use of similar and contrasting materials and flat roof detailing would not sufficiently mitigate these adverse effects. While the provided street view visualisation drawings and figures do not show the proposal subsuming the host building, they do show the significant increase in massing and height which would occur. Overall, the proposed additional storeys would appear bulky, dominant and obtrusive on the host building and in the streetscene.
11. The appellant refers to the Park Place development's four-storey building on Ballards Lane and its relationship to the southwestern neighbouring terrace of buildings as an example where height change on a prominent building has been accepted. Reference is also made to the Council's committee report findings. However, due to this example not being located on a corner site, only being four storeys in height, having a larger set back on Gruneisen Road and not

having the same visual relationship to the housing opposite the appeal building, it is not directly comparable. As such, it does not change my view on the harm I have found.

12. Similarly, while there are other residential buildings of between 5 and 6 storeys in proximity to the appeal site on Ballards Lane, they are still quite distant and visually disconnected. While they are tall with flat roofs, with their large verges and separation provided by the roads, these buildings do not have the same massing and visual transitioning effects to the surrounding housing and other buildings as the appeal building. They are therefore not directly comparable to the appeal before me and do not justify the harm the proposal would have.
13. Reference is also made to an appeal (Appeal Ref: APP/N5090/W/21/3283645) which granted a two-storey extension to Avenue Court, Farm Avenue, Cricklewood, London. However, in this case, there was already permission for an additional storey on the host building and this, amongst other matters, was a key consideration in the Inspector's assessment of the proposed two storeys. In the appeal before me, the circumstances, setting and context of the appeal building are substantially different to those of the Avenue Court appeal. There is no existing permission that sets any precedent for adding a storey to the appeal building. Furthermore, as it is the existing more local transitioning effect between the taller buildings and the housing that sets the character and appearance of this area, the need to consider the more distant and largely visually disconnected tall buildings has little relevance. Overall, the Avenue Court appeal is not directly comparable with the proposal before me and does not change my view on the adverse effects it would have.
14. The proposal would adversely affect the character and appearance of the area. This would be contrary to Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP), Policy D3 of the London Plan 2021 (London Plan) and the Local Plan Supplementary Planning Document: Residential Design Guidance October 2016 (RDG). These policies and guidance seek to ensure, among other things, that development conserves and enhances the distinctiveness of Barnet and respects local context and distinctive local character.

Other Matters

15. The appellant has drawn my attention to the appeal decision for 679 High Road, London (Appeal Ref: APP/N5090/W/22/3304952) dated 30 January 2023. This was within the borough and in this case, the Council conceded that the evidence provided did not demonstrate a deliverable five-year housing land supply.
16. The Council confirms that, since the High Road appeal, it has presented evidence in support of the Draft Local Plan which demonstrates a 5.2-year housing supply. It also confirms that under Paragraph 226 of the Framework, there is no dispute that it can demonstrate it can meet a four-year housing supply. The appellant questions these housing supply figures based on the site allocation comments and main modifications detailed in the Examination Inspectors' interim findings report dated 17 August 2023. While the appellant acknowledges the Framework's four-year housing supply requirement, it is argued that this does not remove the need for the Council to demonstrate a pipeline of deliverable sites within the Draft Local Plan.

17. However, even with the limited weight I have placed on the Draft Local Plan, the appellant has provided little substantive evidence to show that the main modifications set out in the interim findings report would result in a shortfall in the Council's four/five-year housing land supply or that a sufficient pipeline of deliverable sites would not be achieved. Consequently, I am not persuaded that Paragraph 11d) of the Framework is engaged.
18. Further to this, there is also little evidence provided to indicate that the Council is not meeting the housing targets set out in Policy H1 of the London Plan.
19. The proposal would be located in a very accessible location with good services, facilities and public transport and would incorporate such things as zero-carbon technology. I recognise that local, regional and national policies support sustainable patterns of development including those which incorporate renewable technology. Indeed recent Government statements and Paragraphs 60, 70, 124 and 128 of the Framework detail the importance of such things as housing need, the contribution that small and medium-sized sites can have in meeting housing requirements, the need for efficient use of land and housing intensification and the opportunities to use the airspace above existing residential premises. Policy H2 of the London Plan further requires boroughs to proactively support and deliver new homes on small sites. However, the Framework and London Plan also require new developments to be well-designed and create beautiful and attractive places.
20. The appellant refers to Policy GSS11 and the supporting text of Policy CDH04 of the Draft Local Plan which supports redevelopment and tall buildings along Barnet's main road corridors which includes Ballards Lane. However, notwithstanding its draft status, both the policy and supporting text, state that development will only be supported if it is demonstrated that the design relates to the context and character of the surrounding area and it would not detract from the nature of surrounding places.
21. The appellant acknowledges that Policy DM08 of the DMP seeks to promote more family-sized dwellings in the borough and that, notwithstanding its draft status, Policy HOU02 of the Draft Local Plan indicates 2-bedroom properties as medium priority. The proposal would therefore contribute to the borough's housing supply but would not provide the higher-priority family-size dwellings.
22. While it was noted by the appellant that the proposal provides housing growth in the right location and in turn protects the Green Belt, little substantive evidence is provided to demonstrate that this benefit would not be achieved by other housing supply means.
23. Although the proposal has been developed with careful consideration of the existing constraints and opportunities and following a detailed contextual analysis of the area, for the reasons detailed above I do not consider it represents good design as set out in Chapter 12 of the Framework.

Planning Balance and Conclusion

24. I have found the proposal would harm the character and appearance of the area and would conflict with the relevant development plan policies. The importance of planning for climate change and promoting accessibility is recognised by the Framework and the London Plan. Even taking account of the objective of boosting significantly the supply of housing as detailed in the

Framework (Paragraph 60) and London Plan (Policy H1), the conflict between the proposal and the development plan should still be given significant weight in this appeal.

25. Although the proposal would not provide the highest priority housing that is sought by the development plan, it would still contribute to the overall borough's housing supply. It would make efficient and effective use of land and airspace, include renewable technology and be in an accessible location. The proposal would provide a limited amount of short-term employment during the construction of the flats, and future occupiers would help to maintain services and facilities. These are benefits of the scheme, but due to the scale and housing mix, they would be quite modest and would not outweigh the harm identified.
26. The Council does not raise any significant concerns or find development plan conflict in relation to several other matters, including traffic, parking, waste disposal, impacts on existing residents in terms of such things as construction, light, noise, privacy and outlook, and living conditions for future occupants. However, while the evidence before me gives me no reason to disagree with these findings, the absence of harm would be a neutral matter which would not carry weight in favour of the scheme.
27. Even if I were to conclude there was a shortfall in the four/five year supply of deliverable housing sites, the adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.
28. The proposal would conflict with the development plan and there are no material considerations, including the provisions of the Framework, which indicate that the decision should be taken otherwise than in accordance with it. Therefore, for the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR