



Appeal Decision

Site visit made on 15 May 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2024

Appeal Ref: APP/N5090/W/23/3334081

262 Ballards Lane, Finchley, Barnet, London N12 0ET

- 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 Mr Levy against the decision of the London Borough of Barnet Council.
 - The application Ref 23/2638/FUL, dated 16 June 2023, was refused by notice dated 10 October 2023.
 - The development proposed is described as the demolition of existing building and construction of a three-storey building plus roof space comprising of 7no. self-contained flats with associated off-street parking, soft landscaping, refuse storage and cycle store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the decision was made by the Council, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the planning policy context in respect of the main issue.

Main Issue

3. The main issues are:
 - i) the effect of the development on the character and appearance of the area; and,
 - ii) whether the development would deliver an appropriate mix of housing,

Reasons

Character and Appearance

4. The site relates to a two-storey detached dwelling, which is located on Ballards Lane which, in the immediate area, is predominantly residential in character comprising buildings of varying design and scale. The appeal dwelling, along with No.264 and No.266 Ballards Lane form a group of three dwellings of similar design and form. Adjacent to No.266 is a three-storey building, known as Little Court, beyond which is a row of semi-detached dwellings. The site is located at the junction with Christchurch Avenue, which spurs from Ballards Lane at an angle. Properties along Christchurch Avenue are generally two-

- storey in scale and appearance, however there are elements of three-storey development which address the junction with Ballards Lane.
5. The site has an extant planning permission for redevelopment¹ (the “approved scheme”). The approved scheme consists of a two-storey detached building, with mansard roof, to provide 5 units. With the mansard roof, the building has the appearance of a 3-storey property. The overall height of the approved scheme is similar in height of the adjacent dwellings 264 and 266. Although it would be of greater mass compared to those dwellings. The approved scheme appears sympathetic to the scale of the adjacent two storey dwellings, while it also satisfactorily addresses the junction with Christchurch Avenue.
 6. The appeal proposals, seek to increase the scale and height of the building by adding an additional floor. As such accommodation would be provided over 4 stories, including mansard roof. The scheme increases the extent and height of brickwork where the building sits closer to Christchurch Avenue, while providing a mansard roof which is off set from the boundary with No.264.
 7. The increase in the height of brickwork, over three-stories, is positioned close to the junction with Christchurch Avenue. That junction is flanked by other three storey development and in this regard would be visually complementary in this context. Furthermore, the height of brickwork would be broadly consistent with the height of Little Court which would ensure there is a degree of visual alignment along Ballards Lane. Therefore, I find that the three-storey development, where it sits below the mansard roof, would be visually complementary to its surroundings at this junction location.
 8. However, the mansard roof is steeply pitched and its coverage adds considerable bulk and overall mass to the building, with the resultant building appearing as a four-storey development. The overall height and scale of the building would be significantly greater than Nos. 264 and 266 adjacent. The scale of the building would dominate these more modest dwellings in the street, resulting in them appearing visually overwhelmed by the development. The effect of which would be compounded by the three storey scale and height of Little Court on their opposite side, meaning that these buildings would be dominated by the scale of their neighbours, and would become visually lost in the street scene. Therefore, the scale of the building would appear out of context with its surroundings, dominating its neighbours, and would fail to satisfactorily integrate or harmonise into the streetscene.
 9. While I note that this is a junction location, this part of Ballards Lane is relatively straight. The site does not terminate any significant vista or act as such a focal point on Ballards Lane, where a building of the scale proposed might have been justified.
 10. I acknowledge that there are some taller buildings of similar or greater scale along Ballards Lane, including to the southwest, notably around the junction of Montrose Crescent. There are also taller buildings much closer to, or within the centre of North Finchley. Notwithstanding this, that part of Ballards Lane, and the centre of North Finchley, have their own distinct character where the scale of buildings are visually, and contextually, well related to each other.

¹ Application Ref 22/3546/FUL

11. I also note the observations contained within an earlier appeal decision for this site². However, that appeal scheme related to a two-storey, and less intensive form of development compared to the appeal proposals, which is materially different. Therefore, I do not find that appeal decision to provide any justification for the development proposed. In any event, I have considered this appeal on its individual merits.
12. For the above reasons, on the first main issue, the development would have a harmful effect on the character and appearance of the area. Therefore, the development conflicts with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (the CS); Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (the DMP); and, D3 of The London Plan (2021) (the LP). Together, amongst other things, these seek to deliver sustainable development that is of high-quality design which respects the local context. The development also conflicts with the guidance contained within the Local Plan Supplementary Planning Document: The Residential Design Guide (2016) which requires new residential development to respond to distinctive local building forms and patterns of development, and respect the scale, massing and height of the surrounding physical context.

Housing Mix

13. Policy DM08 of the DMP, requires that, where appropriate, a mix of dwelling types and sizes should be provided. Policy H10 of the LP states that schemes should generally consist of a range of unit sizes. Neither policy sets a threshold at which a mix should be provided.
14. Policy H10 states that in considering the appropriate mix for a scheme, regard should be had to evidence of need; delivering mixed neighbourhoods; the need to deliver a range of unit types at different price points; mix of uses in the scheme; range of tenures in the scheme; location of the site (directing one and two bed units to town centre/well-connected sites); optimising housing potential; the ability to reduce pressure on conversion/sub-division; and the need for family housing and the role of one/two bedroom housing.
15. The scheme would deliver a total of 7 units in lieu of the existing three bedroom family dwelling on site. Given the number of units proposed, I consider this to be a scheme where it would be feasible to deliver a mix of unit sizes. The plans and evidence before me suggest that the scheme would deliver 6 one-bedroom units, and 1 two-bedroom unit. I note that the appellant³ suggests that the two studio flats contribute towards providing a greater mix. However, there is nothing before me to suggest that these would be nothing other than one-bedroom units⁴. Therefore, there is clearly a heavy skew towards one-bedroom properties within the scheme. As such, I find that the scheme does not provide any meaningful range or mix of units.
16. There is little compelling evidence to demonstrate how any of the considerations set out in H10 have been met. I have no information to confirm that there is an overriding need for one-bedroom properties in this location. On the contrary, DM08 identifies that 4-bedroom homes are the highest priority,

² APP/N5090/W/21/3281867

³ Paragraph 5.1

⁴ Having regard to Policy H10 of the London Plan (2021) which refers to "number of bedrooms"

and 3-bedroom homes are the medium priority for the Council. In addition, there is no evidence before me to demonstrate that the conversion/subdivision of family homes is a particular problem in this immediate area and, therefore, whether the scheme would help to alleviate pressures for further conversion. Furthermore, there is no analysis to show whether the development would contribute towards the delivery of mixed neighbourhoods.

17. I am unclear over the proximity of the development to an identified centre. That said, my own observations on site indicate that the site appears reasonably well connected to public transport links, and is within close proximity to the commercial uses at North Finchley. Nonetheless, having regard to the criteria of H10, even if I were to accept that the connectivity of the site could justify a higher proportion of one and two-bedroom units, it remains that the scheme is far too heavily tilted towards the delivery of one-bedroom units. Therefore, I cannot be satisfied that the scheme would deliver an appropriate and acceptable mix of housing in this location.
18. I am also mindful of the extant development, for a smaller development for 5-units, which I understand provided for a 3-bedroom property in its mix. I find the housing mix on that smaller scheme therefore to be materially different, particularly as it would retain a 3-bedroom unit within the scheme which is size of property identified as a priority.
19. For the above reasons, I cannot be satisfied that the development would deliver an appropriate mix of housing. Therefore, the development conflicts with Policies CS NPPF, CS1 and CS5 of the CS; DM08 of the DMP; and, H10 of the LP. Together, amongst other things, these seek to deliver sustainable development that achieves a mix of housing that provides diversity and choice.
20. However, I do not find any particular conflict with regard to Policy DM01 as this appears to principally relate to design and amenity matters.

Conclusion

21. For the above reasons the appeal is dismissed.

D Cleary

INSPECTOR