



Appeal Decision

Site visit made on 12 June 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2024

Appeal Ref: APP/N5090/W/23/3332285

Flat 20, Buxmead, 67 The Bishops Avenue, East Finchley, Barnet, London N2 0BG

- 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 Daragh Coleman against the decision of the London Borough of Barnet Council.
 - The application Ref is 23/2368/FUL.
 - The development proposed is described as the erection of lightweight veranda structure at flat roof terrace level of the apartment.
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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 issue is the effect of the development on the character and appearance of the host property as a non-designated heritage asset and whether the character or appearance of the The Bishops Avenue - Hampstead Garden Suburb Conservation Area (the HGSCA) would be preserved or enhanced.

Reasons

4. The appeal site is a building, and non-designated heritage asset, which is located within the HGSCA. The statutory requirement¹ requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Furthermore, paragraph 205 of the Framework requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance. Insofar as is relevant to this case, I consider that the significance of the HGSCA derives from its historic development as a garden suburb, the pattern and form of development, which includes large buildings of varied architectural design, set within spacious and well landscaped plots.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

5. The appeal building is a large three-storey detached building, which includes various architectural detailing to its elevations, projecting gables of contrasting heights, and a number of large chimney stacks to its roof. The building has been converted to apartments. It is understood that, during conversion works, only the street facing façade of the building was retained. I have no precise detail of the original design and appearance of the building in its entirety. Nonetheless, the conversion works have been carried out in a highly sensitive manner retaining traditional character, form and architectural detailing. The conversion has been carried out without any significant or prominent contemporary design elements to the external façades.
6. The building is positioned prominently and centrally within the wider complex and is flanked by large buildings on either side. A building known as The Coach House is located to one side and is set back slightly. The front of The Coach House has also been converted sensitively to retain original character. This building also includes a large extension to the rear, which is of a contrasting and more contemporary design. The extension to The Coach House includes a roof terrace. A large flat-roof contemporary apartment building, which also includes roof terraces, is located on the opposite side of the appeal building. The Coach House extension and other building across the site have a distinctly alternative design approach to the original buildings. The buildings are located within spacious grounds with mature landscaping providing a verdant setting to the site. The spacing between built form, and siting of the more contemporary buildings across the site ensures that the historic character of the appeal building has not been unduly eroded. I find, therefore, that the appeal building and its setting make a positive contribution to the character and appearance of the HGSCA.
7. The appeal relates to the second-floor apartment. The apartment has a rooftop terrace which is sited on a flat roof between two rear projecting gables. The terrace is surrounded by a low glass balustrade with garden paraphernalia in situ. A recently constructed lift provides access to this terrace, which is surrounded by a lightweight glazed enclosure. Notwithstanding this, the external roof terrace itself remains relatively discrete and allows for views and appreciation of the rear roofscape form to be maintained, and does not visually compete with, or erode, the overall character of the building.
8. The appeal proposes the creation of a veranda on the roof terrace. The veranda would be largely glazed and would enclose the external roof terrace and lift enclosure. The height of the structure would sit marginally below the ridge line of the main roof. The design of the veranda introduces a much larger contemporary element to the building that would appear at odds with its more traditional appearance. Modern interventions to the appeal building are limited and where they have been introduced they are small scale and relatively discrete. The proposed veranda would be a much more significant installation to the building as a whole, and due to its roof top positioning and height, would be a prominent addition that would visually compete with the building, undermining its overall character.
9. From the communal garden area the height and positioning of the veranda would appear to protrude significantly from the roof of the building. The degree of projection above the roofline would appear significant, particularly from the rear, which would add to the overall prominence of the development from within the site.

10. It has been suggested that the effect of the development would be limited to within the site. However, on my site visit, I observed that the roof top lift enclosure was visible from The Bishops Avenue, particularly at, and around, the southern site entrance. The veranda would have a greater coverage of roof than the existing lift enclosure and, as such, would be more prominent from the street. From here, the materials and form of the veranda would contrast markedly with the existing roof form, and the architectural detailing of the elevations below, appearing as an inharmonious addition. In this instance, I do not find that the lightweight nature of the structure would lessen its overall prominence.
11. I acknowledge that there are enclosed roof terraces within this complex, and other roof top installations which are now a feature of the wider site. The roof terrace to the rear of the Coach House is provided on its more contemporary rear extension rather than being positioned on the main roof of the original building. The rear extension to The Coach House, appears to have been designed in a manner which contrasts with the original building allowing it to appear as a visually distinct and separate entity. While other roof top installations are on the more contemporary designed buildings rather than on the historic elements within the site.
12. In contrast, the appeal building itself appears to have been converted in a manner which has purposefully sought to respect its original character with only a limited degree of conscious contrasting design characteristics incorporated into its design. While the appeal building is lower in height than other buildings across the site, its central positioning and architectural detailing and form means it is the most sensitive building in the site to change. Therefore, I find other installations across the site to be contextually different due to the building, or part of the building, that they are sited on.
13. For the above reasons, I consider that the proposal would harm the character and appearance of the building as non-designated heritage asset and would fail to preserve or enhance the character or appearance of the HGSCA, harming its significance as a whole.
14. Therefore, the development conflicts with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012); and Policies DM01 and DM06 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012). These, amongst other things, seek to deliver high quality design and development which preserves or enhances heritage assets. However, I do not find any particular conflict with Policy D6 of The London Plan (2021), which appears to relate to housing spacing standards.
15. The harm to the HGSCA identified above would be less than substantial. The Framework makes clear in paragraph 208 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal and I return to this in the overall planning balance.

Other Matters

16. It is advanced that the scheme would deliver planning benefits through the improved amenity of the host flat, improving the daily amenity and quality of life of the resident (and future residents), and securing the optimum viable use.

17. I acknowledge that the proposals would help to improve existing housing stock and the quality of life of its existing and future occupants. These are benefits of the scheme which attract modest weight in favour. With regard to securing an optimum viable use, the building is already in use as a dwelling. While the flat roof is already in used for domestic purposes as an external terrace. In this instance, therefore, I am not persuaded that this would attract anything other than limited weight in favour of the development.

Planning Balance and Conclusions

18. I have identified that the proposed development would cause less than substantial harm to the significance of the HGSCA. The scheme would deliver some benefits through improvement to the existing housing stock and quality of life for its occupants. However, the public benefits combined are relatively modest and insufficient to outweigh the great weight which must be attached to the harm to the HGSCA that I have identified. The harm I have identified to a non-designated heritage asset, only carries further weight against the scheme.
19. For the above reasons, the development conflicts with the development plan and with the provisions of the Framework in relation to heritage assets, and there are no material considerations, which indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

D Cleary

INSPECTOR