



Appeal Decision

Site visit made on 4 June 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2024

Appeal Ref: APP/N5090/W/23/3333985

9-11 Russell Parade, Golders Green Road, Barnet, London NW11 9NN

- 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 Denciger against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/0887/FUL.
 - The development proposed is erection of part two, part three additional floors above existing shops to provide Class E office space. Single storey rear infill extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address on the planning application form was 9 Russell Parade. The site address on the banner heading above was taken from the decision notice and appeal form which more accurately details the site address.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the host property and area;
 - the effect of the proposal on the safe and efficient operation of the local highway network with regard to parking provision.

Reasons

Character and appearance

4. The appeal site comprises No 9-11 formed of two single storey units and a two-storey rear unit located within a commercial parade. The parade forms part of a local centre that includes a mix of residential, retail and commercial uses. There is some variance in terms of architectural design and buildings in the area, however, buildings generally range from one to four storeys.
5. As set out earlier there are several properties in the area that are four storeys high. These properties are either finely detailed traditional buildings which have modest proportions or are of a more contemporary design where the fourth storey is set back from the main façade, which reduces its impact in terms of scale and massing.

6. In the context of its immediate neighbours the resultant building would be significantly taller than No 8, being single storey and also No12 that is two storey. Due to the significant variance in the built form the proposed development would appear disjointed resulting in an inharmonious relationship with No 8 and Sycamore Court.
7. As such, the appeal scheme would not respect the height and pattern of neighbouring buildings. Further, the built form at either side of the junction between Alba Gardens and Golders Green Road is characterised by buildings that are two storey and a smaller scale, when compared to other buildings in the area. The resultant building would be significantly larger and would not reflect the size and massing of the established built form at the junction.
8. I note that planning permission was recently granted to increase the height of No 12 to three storeys¹. However, there is no guarantee that this would be completed and notwithstanding this the proposed scheme would still be taller than No 12 as extended. As such, it does lead me to reach a different conclusion on the matter as the variance in height between the appeal scheme and neighbouring buildings would still appear inharmonious.
9. In conclusion the proposal would have a harmful impact on the character and appearance of the host property and area. The development would be contrary to Policy D3 of the London Plan 2021 (LonP), Policy CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS) and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP) which, amongst other things, seek to conserve and enhance the distinctiveness of Barnet and ensure high quality design that is based on an understanding of local characteristics; respecting the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Parking provision

10. The appeal site is within a controlled parking zone (CPZ). There would be insufficient space within the plot to provide off-street parking and the proposed development would be required to be car free. The occupants of the offices could potentially gain permits to utilise dedicated permit bays in the surrounding streets. This, would exert further parking pressure on the surrounding highway network and have a detrimental impact on the free flow of traffic. Therefore, a planning obligation would be required to prevent the occupants of the proposed offices from obtaining parking permits.
11. The appellant has stated that they would be willing to enter into an agreement to prevent them from applying for a parking permit. However, a signed and dated S106 agreement to restrict future occupants of the offices from applying for a parking permit is not before me.
12. In line with Planning Practice Guidance, a negatively worded condition limiting the development that can take place until a planning obligation has been entered into is not an appropriate approach. As it is unlikely to meet the test of enforceability. I therefore have no mechanism for securing the required restriction.
13. In the absence of an executed and certified copy of a S106 agreement to secure the restriction of parking the proposal would have a harmful effect on

¹ 23/2227/FUL

the safe and efficient operation of the highway network. The proposal, therefore, fails to comply with the requirements of Policies T4 and T6 of the LonP and Policy CS9 of the CS and DM17 of the DMP which, amongst other things, support the Council's aims to enable traffic to flow more smoothly and reduce congestion. They also specify that car parking should be restricted in line with public transport accessibility and require that cumulative impacts of development on the road network capacity should be taken into account and mitigated.

14. Policy T6.1 of the LonP relates to residential parking and is not determinative in my assessment of parking in relation to a Class E use.

Other Matters

15. I note that a planning application to increase the height of the appeal buildings to three storeys is pending determination. However, the details are not before me and in any event, I have determined the appeal on its own individual merits. As such, I give negligible weight to this aspect of the appellant's argument.

Conclusion

16. For the reasons given above the appeal is dismissed.

C Livingstone

INSPECTOR