



Appeal Decisions

Site visit made on 9 July 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal A Ref: APP/N5090/W/24/3338936

Rear of 46-48 High Street EN5 5SJ

- 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 T Grosskopf of YTS Estates Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/5212/FUL.
 - The development proposed is the erection of front and rear roof extensions and provision of a roof light on the side elevation; conversion of roof space into one flat.
-

Appeal B Ref: APP/N5090/W/24/3338941

Rear of 46-48 High Street EN5 5SJ

- 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 T Grosskopf of YTS Estates Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/5211/FUL.
 - The development proposed is the erection of front and rear roof extensions and provision of a roof light on the side elevation; conversion of roof space into one flat.
-

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. They differ only in the detail of the design. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two proposals together, except where otherwise indicated.
4. As the appeal site is in the Wood Street Conservation Area (CA), I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

5. The main issues are:
 - in Appeals A and B, whether the proposal would preserve or enhance the character or appearance of the CA;
 - in Appeal B only, whether the proposal would provide acceptable living conditions for future occupants, with particular regard to the provision of internal space.

Reasons

Conservation Area

6. The Conservation Area Character Appraisal Statement¹ indicates that the significance of the area is linked to the historic livestock market and the prevalence of inns and taverns associated with the 18th Century coaching trade. The appeal property is located to the rear of buildings on High Street, where many of the inns and taverns were located. Several properties along High Street have retained their historic appearance. Although the appeal property is a modern building, its design reflects the historic appearance of the older properties along High Street. As such, it contributes to the high quality townscape and consequently the significance of the CA.
7. As identified within the Character Appraisal Statement, traditionally detailed dormers are a common feature of the CA. There are also several present on neighbouring buildings. However, the dormers present in the CA are modest in size and appear as a subordinate feature. Whereas the proposed dormers have been designed to be similar to the windows below and would be very large compared to nearby dormers. The proposed dormers would introduce a significant amount of massing and would appear as a dominant feature and incongruous within the surrounding roofscape.
8. Furthermore, with regard to Appeal B only, the proposed dormer windows on the rear elevation would have more of a horizontal emphasis due to their square design. The predominant window type in the CA is vertically sliding sashes, which give buildings a strong vertical emphasis. Therefore, the proposed dormer windows on the rear elevation would appear discordant with the appearance of most other windows within the CA.
9. Whilst the appeal property is not located on High Street, it is in a prominent location on the edge of the CA. There are several examples of modern development in proximity to the appeal site, but all include details which are sympathetic to the character and appearance of the CA. Therefore, whilst there is not a consistent pattern of development in proximity to the appeal site, surrounding buildings preserve the character and appearance of the CA.
10. Given the modest scale of development, I conclude that less than substantial harm would be caused to the significance of the CA. Irrespective of the potential harm to the CA amounting to less than substantial harm, great weight is given to its conservation, in accordance with paragraph 205 of the National Planning Policy Framework (the Framework). As per paragraph 208 of the Framework, I must weigh this harm against the public benefits.
11. The Council has underperformed in relation to the Housing Delivery Test. The conversion of an inhabitable space to provide a flat would help address this historic shortfall. Especially when considering small and medium sites can make an important contribution to meeting the housing requirement of an area. The proposed flat would be in a town centre location, with good access to public transport and public open spaces; also, an additional cycle parking space would be provided. The flat could also be designed to be energy efficient and take advantage of low carbon energy sources. Furthermore, there would be economic benefits associated with the construction of the flat and increased

¹ Wood Street Conservation Area, Character Appraisal Statement, London Borough of Barnet Planning Services, July 2007

spend due to an increase in the population in the area. A lack of harm to neighbouring occupant's living conditions would be a neutral factor.

12. Due to the modest scale of the proposal and only a slight under delivery of housing, I ascribe moderate weight to the benefits. Therefore, the public benefits would not outweigh the harm.
13. I conclude that the proposals would not preserve or enhance the character or appearance of the CA. The proposals would not comply with Policy D3 of the London Plan, March 2021 (LP); Policies CS1 and CS5 of Barnet's Local Plan Core Strategy, Development Plan Document, September 2012 (CS) and Policies DM01 and DM06 of Barnet's Local Plan Development Management Policies, Development Plan Document, September 2012 (DMP). These policies indicate that development proposals should respond to local distinctiveness through their appearance, enhance the borough's historic areas through the provision of high quality buildings, and proposals must preserve or enhance the character and appearance of conservation areas, amongst other matters. The appeal proposals would also be contrary to the guidance contained within the Residential Design Guidance SPD², where it advises that new development should always sit comfortably with its neighbours.

Living conditions

14. The proposed flat would be modest in size but the amount of floorspace would be above the minimum standard for a single occupancy, one bedroom flat set out in the LP. Nonetheless, it would be in the loft space of the appeal property and therefore the floor to ceiling height would be limited in certain areas.
15. LP Policy D6 specifies that the minimum floor to ceiling height must be 2.5m for at least 75% of the gross internal area. The proposed flat would not conform with this standard as only 67.5% of the gross internal area would be at least 2.5m in height.
16. 75% of the gross internal area would have a floor to ceiling height of 2.3m, which is in accordance with the nationally described space standard (NDSS). However, the NDSS is only guidance and is not linked to a policy within the development plan. The proposed space with a 2.5m floor to ceiling height would be significantly below the LP standard, which is also specified within the DMP. Given the modest size of the proposed flat and the limited ceiling heights, future occupants would feel cramped and restricted when inside the proposed flat.
17. I acknowledge that the floor to ceiling height is partially limited because the appellant has sought to reduce the height of the proposed dormers to preserve the character and appearance of the CA. However, for the reasons given above, it would not preserve the character and appearance of the CA and it would also lead to an inadequate amount of internal space for future occupants.
18. I conclude that the proposal would not provide acceptable living conditions for future occupants, with particular regard to the provision of internal space. The proposal would therefore be contrary to LP Policy D6, CS Policy CS5 and DMP Policies DM01 and DM02. These policies indicate that development proposals will be expected to comply with the standards set out within the LP, which includes the requirement for 75% of the gross internal area to have a floor to

² Local Plan, Supplementary Planning Document: Residential Design Guidance, October 2016

ceiling height of 2.5m, amongst other matters. The proposal would also be contrary to the Residential Design Guidance SPD and the Sustainable Design and Construction SPD³ where they advise that new homes should be capable of providing a good quality living environment and where they repeat the standard from the LP for minimum floor to ceiling height.

Conclusion

19. Both appeal proposals conflict with the development plan as a whole and the material considerations do not indicate that the appeals should be decided other than in accordance with it. Therefore, the appeals should be dismissed.

J Hobbs

INSPECTOR

³ Local Plan, Supplementary Planning Document: Sustainable Design and Construction, October 2016