



Appeal Decision

Site visit made on 18 July 2024

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/N5090/W/24/3339587

Gloucester Court, Golders Green Road, London NW11 9AA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr B Blair of Albacourt Properties Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 22/1530/PNV.
 - The development proposed is an additional storey at 4th floor level to provide 4no self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading is taken from the Council's decision notice and the appeal form as it is more concise than the description of development on the application form.
3. Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides for the construction of up to two additional storeys of new dwellinghouses on detached blocks of flats. Paragraph A.1 states that the development is not permitted if one or more of several criteria apply. Paragraph A.2 sets out conditions including the requirement to apply for prior approval from the Local Planning Authority relating to several specified matters.
4. In this instance, the Council refused to grant prior approval on the basis of harm to A.2(1)(a) regarding transport and highway impacts, A.2(1)(e) regarding the external appearance of the building, and A.2(1)(g) regarding the impact on the amenity of the existing building and neighbouring premises.
5. In determining applications, the Local Planning Authority is required to take into account any representations made to them as a result of consultation, and to have regard to the National Planning Policy Framework (the Framework), insofar as it is relevant to the prior approval, as if it were a planning application. I have considered the appeal on the same basis.

Main Issues

6. The Council has confirmed that it no longer contests its reasons for refusal 2 and 3 pertaining respectively to the living conditions of the occupiers of the neighbouring property at 182 Golders Green Road, with particular regard to sunlight, daylight, outlook and privacy; and highway and pedestrian safety. I

therefore see no reason to address the reason for refusal on living conditions for occupiers of No 182 as a main issue in relation to condition A.2(1)(g). However, as interested parties have maintained their objections about parking, highway and pedestrian safety should remain a main issue for this appeal.

7. As such, the main issues in this appeal are whether prior approval should be granted, having regard to the effect of the proposed development on a) the external appearance of the building; and b) highway and pedestrian safety.

Reasons

a) Character and appearance

8. A legal judgment¹ clarified that where prior approval is required in relation to the effect of development on the external appearance of a building or dwellinghouse, it will be a matter of planning judgment as to whether consideration is given to the effect on the building's design and/or on the building's relationship with its context. I have had regard to the design of the building and its context. This is consistent with several appeal decisions² provided by the Council.
9. Golders Green Road is a long road, with predominantly residential areas interspersed with concentrations of commercial uses, such as shops and businesses in the extensive shopping parades close to Golders Green Underground Station. With the differences in the nature of uses, there are also changes in building heights and types. Most of the buildings date from the 20th century and the interwar period, with some more modern insertions. Buildings range in height from 2 – 4 storeys, with later alterations to provide accommodation within roofs commonplace.
10. Notwithstanding the variation along Golders Green Road and with the exception of the nearby synagogue and a medical centre, the site lies in an area of Golders Green Road where there is a generally residential streetscape with a preponderance of two-storey detached and semi-detached houses, occasional three-storey residential buildings, a four-storey residential building at Eagle Lodge, and a three-storey building with rooms in the roof at No 182.
11. Located on the corner of Gloucester Gardens and Golders Green Road, the building at Gloucester Court is one of a group of 1930s mansion block buildings of similar age, design and scale at or close to the junction. Indeed, though no longer identical, the site on one corner of Gloucester Gardens is paired with a similar building of the same name on the other corner. Both corner buildings are set behind low walls and hedges. The L-shaped three-storey building has red brick at ground floor with render on the two upper floors, a corner turret and substantial roof, tall chimneys, and arched brick detailing over entrances.
12. Though the site is slightly different from its immediate neighbours due to the white painted render, dormer windows, and rooflights, the group of buildings at Gloucester Court and Carmel Court remain consistent with one another and have a level of harmony within the streetscene along both Golders Green Road and Gloucester Gardens, where the houses largely step down to two-storeys beyond Gloucester Court and adjoining three-storey Carmel Court.

¹ CAB Housing Ltd v SSLUHC & Broxbourne BC [2023] EWCA Civ 194.

² APP/N5090/W/22/3291989, decision issued 28 September 2022; APP/N5090/W/22/3300216, decision issued 9 December 2022; and APP/N5090/W/22/3300233, decision issued 4 January 2023.

13. The proposed development would introduce an additional floor to the building at Gloucester Court, providing a fourth floor with four flats. The detailing and architectural features of the building's lower floors would be replicated.
14. Despite the use of a similar materials palette, design, and roof type to the existing building, the proposed development would be visually obtrusive within its group of mansion blocks. By raising the existing building's height beyond the prevailing height of its similar neighbours, the height, size, bulk and massing of the proposed development would be unsympathetic, incongruous and inconsistent with the immediate streetscene. It would have a particularly jarring and negative effect on the site's context as one of a pair of highly similar corner buildings and would therefore be overly dominant and would fail to enhance the quality of the area's character and appearance.
15. While No 182 is a taller building within the streetscene, the proposed development would be of a significantly greater height. Although the appellant places importance on the four-storey height of Eagle Lodge, this building is of a different architectural style and age and does not form part of the relatively harmonious group of mansion block buildings at the junction of Golders Green Road and Gloucester Gardens. As a result, the heights of No 182 and Eagle Lodge do not justify the proposed development.
16. It is not uncommon for taller buildings to mark street corners and junctions. Indeed, the appellant has drawn my attention to various taller buildings on corner plots. While the proposed development would only be one storey taller than the existing building and the adjacent mansion blocks, I find that this would give rise to a significant difference in the building's bulk and massing and would be visually harmful.
17. The proposed development would have a detrimental effect on the external appearance of the building. Accordingly, the proposed development would fail to comply with condition A.2(1)(e). I have also had regard to paragraph 124 e) and Chapter 12 of the Framework, London Plan 2021 Policy D3, Policy CS5 of Barnet's Local Plan Core Strategy (2012) (CS), Policy DM01 of Barnet's Local Plan Development Management Policies (2012) (DMP), and Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance (2016).
18. These policies and guidance address the need to support opportunities to use airspace above existing residential premises, achieve well-designed and beautiful places, optimise site capacity, protect and enhance character; and extend properties with regard to character and appearance. In addition, the Council has referred to London Plan Policy HC1 and DMP Policy DM06, but as these deal with heritage, they do not appear relevant.

b) Highway and pedestrian safety

19. Notwithstanding that the Council has withdrawn its third reason for refusal in respect of A.2(1)(a) regarding transport and highway impacts, interested parties have concerns regarding the adequacy of on-street parking and use of local parking for the nearby synagogue on Golders Green Road.
20. Located in Public Transport Accessibility Level 4, the site has good public transport provision and is within walking distance or a short bus ride from services and facilities along Golders Green Road. A bus stop served by several bus routes lies immediately outside the site on Golders Green Road, connecting

the site with the nearby Golders Green Underground Station, amongst other places. The site lies within Controlled Parking Zone BX, where parking is restricted for use by resident permit holders between particular daytime hours.

21. In terms of parking requirements, the London Plan sets out residential car parking standards at Policy T6.1. In this outer London location, the London Plan standards would expect 2 – 3 off street parking spaces. DMP Policy DM17 meanwhile would expect between 4 – 6 parking spaces.
22. The appellant has submitted a Technical Note 01 (3599-01-TN01, November 2023), which includes the results of a car parking survey undertaken in November 2023. The survey was conducted broadly in accordance with the commonly used Lambeth parking beat survey methodology and included roads within a 200 metre walking distance. The survey indicated that there was sufficient spare capacity in residents' permit parking spaces both during daytime hours and at night to accommodate the additional residents of the proposed development. As a result, I consider the on-street parking provision to be adequate with regard to the proposed development.
23. With regard to cycle parking spaces, Policy T5 and Table 10.2 of the London Plan expect provision for cycling, with a minimum of eight additional cycle parking spaces for the proposed development. However, the Council considers that this could be addressed by condition. I see no reason to disagree with this.
24. I conclude that the proposed development would have an acceptable effect with regard to highway and pedestrian safety. As such, the proposed development would accord with condition A.2(1)(a). In reaching this conclusion, I have had regard to Chapter 9 of the Framework, London Plan Policies T2 and T4, CS Policy CS9, and DMP Policy DM17, which deal with promoting and providing safe and sustainable transport.

Other Matters

25. The appellant has highlighted the importance placed by the Framework at Chapters 5, 6, 8, 9, 11 - 14 on homes; the economy; healthy communities and sustainable transport; effective use of land; well-designed places; climate change and flooding; and the natural environment. The provision of four additional flats would deliver economic benefits in terms of jobs during construction and proximity of housing to employment opportunities; social benefits in terms of housing in a sustainable location; and environmental benefits in terms of extending an existing building in a sustainable location and reducing pressure on greenfield sites. However, the proposed development would have a harmful effect on the external appearance of the building and would not therefore meet the parameters for prior approval.
26. Interested parties have raised concerns regarding the effect of the proposed development on the building's existing residents, particularly young children; noise, dust and disturbance during construction; loss of existing flats due to building works; daylight and sunlight to neighbouring buildings other than No 182; precedent for other buildings; water pressure; electricity provision; impact on wellbeing; and the condition of the building. As I am dismissing this appeal for other reasons, I have not addressed these matters in detail.

Conclusion

27. I have found the proposed development would accord with condition A.2(1)(a) with regard to transport and highway impacts. However, the proposed development would have an unacceptable effect on the external appearance of the building contrary to condition A.2(1)(e) and so prior approval should be refused and the appeal should be dismissed.

Joanna Gilbert

INSPECTOR