



Appeal Decisions

Site visit made on 19 June 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal A Ref: APP/N5090/W/24/3337951

12 Hadley Highstone, Dury Road to Great North Road, Barnet EN5 4PU

- 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 and Mrs P Griffin against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/4879/HSE.
 - The development proposed is erection of detached building containing 2 garages and a store with new access from Mill Close corner and entrance gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address and description of development differ within the application form, appeal form and the decision notice. For clarity I have used the description and address on the application form.
3. I am dealing with a separate appeal¹ for a proposed dwelling on the appeal site. That appeal is the subject of a separate decision.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. Given the date the appeal was submitted, I am satisfied that the main parties were able to address any changes within their submissions.
5. Barnet's Draft Local Plan (DLP) has been submitted for examination under Regulation 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council has not referenced any policies of its DLP in its refusal reason. As such, I have not determined the appeal against any of its policies.

Main Issues

6. The main issues are:
 - the effect of the garage on the living conditions of the occupiers of Numbers 14 and 16 Hadley Highstone (Nos 14 and 16), having particular regard to outlook; and
 - whether the development would preserve or enhance the character or appearance of the Monken Hadley Conservation Area (the CA) and the effect on the character and appearance of the surrounding area.

¹ APP/N5090/W/24/3337953

Reasons

Living Conditions

7. The appeal site is located to the rear of Nos 14 and 16. The rear of these semi-detached two-storey cottages has one window to the upper floor, a single-storey outrigger and shallow amenity areas which are bound by a wall that separates them from the walkway which provides pedestrian access to the rear of Nos 14 and 16.
8. The appeal site is currently hard-surfaced. The absence of buildings affords open aspect from the rear of Nos 14 and 16 across to the cul-de-sac of Mill Court. The proposed garage would overlap the whole of the rear elevation of No 14 and part of No 16. Its ridge would terminate approximately in line with the eaves of Nos 14 and 16.
9. Given the limited depth between the main rear windows of Nos 14 and 16 to the upper floor, together with the overall height and width of the proposed garage building, even if the roof does not surpass the 25-degree line as set out in the Building Research Establishment guidance 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' and its eaves do not project above the boundary wall of Nos 14 and 16, it would create an imposing feature from the windows to the upper floor. This would result in an overbearing and oppressive outlook from these rooms, whereby the occupants would increase the sense of enclosure, making these rooms less pleasant to use.
10. I conclude that the proposed garage would have a harmful effect on the living conditions of the occupiers of Nos 14 and 16, with particular regard to outlook. The proposal would therefore conflict with Policies CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS), and DM01 and DM02 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP), insofar as they collectively seek to ensure that development proposals should be designed to allow for adequate outlook for adjoining users. There would also be conflict with the Local Plan Supplementary Planning Document: Residential Design Guidance 2016 (SPD), which seeks, amongst other things, that the location of detached ancillary buildings should minimise the impact on neighbouring properties.
11. The Council contends that the proposed development would be contrary to its Local Plan – Supplementary Planning Document: Sustainable Design and Construction October 2016. However, this guidance sets out the technical requirements for environmental design and construction management relating to air, noise, water, energy, waste and habitat quality in order to achieve protection and enhancement of the environment. Therefore it is not directly relevant to an assessment of the impact on the living conditions of occupiers of Nos 14 and 16.

Character or Appearance

12. The appeal site is within the CA and as such, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.
13. Based on my own observations, and the appellant's Heritage Statement, the significance is predominantly derived from the spacious character of residential

development in proximity to the historic village centre, with residential properties extending outwards in ribbons along ancient rights of way of differing densities and typologies, with detached garages set within spacious plots. The area around Hadley Highstone retains a leafy character with a low suburban density.

14. The Monken Hadley Conservation Area Character Appraisal Statement - Adopted January 2007 (the CAS), states that the appeal site is identified as part of 'Area one – Hadley Highstone Kitts End Road', with small-scale Victorian cottages bordering the road to the south and north of the Green at Hadley Highstone.
15. The existing spacing between the timber-clad store associated with No 12 and the rear of No 14, together with the absence of buildings on the appeal site, results in a sense of spaciousness within Mill Court, which is discernible from Hadley Highstone. The visual separation between the rears of Nos 14 and 16 and Mill Court adds to the quality of the CA. I therefore consider that the proposed site has a positive effect on the CA.
16. The proposed garage would overlap the whole of the rear of No 14 and part of No 16. Given its overall width and height, the roof would be seen above the boundary wall and conservatory of No 14, it would be viewed alongside the timber-clad store associated with No 12 and would be a visible from within Mill Court. The roof would introduce significant bulk within the rear, which would result in the erosion of the spaciousness which currently exists, which is the prevailing character of the CA, and would lead to an over dominant and visually distracting structure clearly visible from Hadley Highstone.
17. Even if the garage were constructed from materials sympathetic to those used elsewhere within the CA, its presence would result in the loss of spaciousness within the CA and the surrounding area. This would have a harmful effect, failing to preserve or enhance the character or appearance of the CA as a whole and consequently the wider area by enclosing the open aspect between Nos 14 and 16 and Mill Court.

Public Benefits and Planning Balance

18. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
19. Given the limited extent of the development, I find the harm to the heritage asset to be 'less than substantial'. However, this is of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal.
20. In terms of public benefits, the PPG advises that they should be of a nature or scale to be of benefit to the public at large and not just a private benefit. As the garage would provide car parking and storage associated with No 12, this amounts to a private benefit, and as such does not weigh against the harm I have identified to the significance of the designated heritage asset.

21. Accordingly, the proposed garage does not accord with the statutory duty with regards to the CA or the provisions within the Framework which seek to conserve and enhance the historic environment. There would also be conflict with Policies CS5 of the CS and DM01 of the DMP, insofar as they seek to ensure proposals preserve or enhance the character and appearance of Conservation Areas in Barnet. It would not comply with the SPD, insofar as it seeks for development to respect the character of the area in which it is situated and respond to the positive features of that character.
22. The Council contends that the proposed development would be contrary to Policy DM02 of its DMP. However, this relates to development standards. Given that the main area of dispute, subject to this appeal, relates to the character and appearance of the surrounding area and the CA, this guidance is not applicable in this instance.
23. The Council also contends that the proposed development would be contrary to its Local Plan – Supplementary Planning Document: Sustainable Design and Construction October 2016. However, this guidance sets out Barnet’s technical requirements for environmental design and construction management relating to air, noise, water, energy, waste and habitat quality in order to achieve protection and enhancement of the environment. As the main area of dispute, subject to this appeal, relates to the character and appearance of the CA and the surrounding area, this guidance is not directly relevant in this instance.

Other Matters

24. In support of their case, the appellants have drawn my attention to a number of examples of detached garages within the CA at 1 Mill Corner (No 1), 8 Mill Corner (No 8), 2 Boundary Close (No 2) and 1 Hadley Highstone (No 1 HH). I have not been provided with any details relating to their circumstances and as such, I cannot be certain that they are directly comparable to the proposal before me. My assessment of each example is therefore based on my observations on site.
25. With regards to No 1, this is set within private grounds, located behind 2 Mill Court and predominantly obscured from view. From the publicly accessible vantage point, it appears to be a double garage with a pyramidal roof. Whilst positioned so it is offset from the host dwelling, I have not been provided with substantive evidence to demonstrate that the separation from those dwellings to the rear within Mill Court is similar to the appeal before me. Given its concealed nature, to my mind, its presence is sufficiently different to the proposals before me.
26. The garage at No 2, is set within private grounds and appears from the appellant's statement to be positioned between the rear of No 10 and the front of number 1 Boundary Close. Whilst located to the rear of No 10, and visible from Hadley Highstone, the roof of this structure is different, incorporating a pyramidal design and dovecote. Furthermore, I have not been provided with substantive evidence to demonstrate that its scale or its separation from No 10 is directly comparable to the proposal before me.
27. The garage to the side of No 8 is a single garage with the roof set below the boundary with the appeal site. Given the appeal proposal is a double garage, the scale, massing and positioning of the garage at No 8 is not directly comparable to the appeal before me.

28. Whilst the roof of No 1 HH is similar to that of the appeal, the separation distance from nearby properties which overlook the structure appears, from the Ordnance Survey extract in the appellant's statement, to be sufficiently greater than would be the case with that of the appeal before me. As such I do not consider the example at No 1 HH to be comparable with the appeal proposal and its presence does not alter my conclusion.
29. It is clear from the examples quoted that the circumstances above differ from the appeal before me. Moreover, each application and appeal are determined on its own merits. In this case, the other examples quoted do not justify harmful development.
30. Whether or not the garage would be ancillary to a dwelling approved under planning permission Ref 23/1334/FUL is not within the scope of my assessment, which must focus on the planning merits of the appeal proposal. Furthermore, the lack of objection from neighbouring properties does not in itself render the scheme acceptable.

Conclusion

31. The proposal conflicts with the development plan when taken as a whole and with the provisions of the Framework in relation to heritage assets. The material considerations do not indicate that the appeal should be decided other than in accordance with the development plan.
32. I conclude that the appeal should be dismissed.

L Clark

INSPECTOR