



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 Ref: APP/N5090/W/24/3337953

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 23/4876/FUL.
 - The development proposed the erection of a two storey dwelling with rooms in roofspace following demolition of the existing clad store. New vehicular access and entrance gate from Mill Close. Alterations to hard and soft landscaping including creation of carriage driveway to front of No.12.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am dealing with a separate appeal¹ for a proposed detached building on the appeal site containing 2 garages and a store with a new access from Mill Close corner and entrance gate. That appeal is the subject of a separate decision.
3. As the proposed development was amended prior to the determination by the Council to omit the proposed garage, the description of development in the banner heading above has been taken from the decision notice. This is a more accurate description of the proposed development.
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, it has no weight in the determination of this appeal.

Background and Main Issues

6. The appeal site is within the Monken Hadley Conservation Area (the CA). Accordingly, 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 CA.

¹ APP/N5090/W/24/3337951

7. The proposal is for the erection of a new dwelling following the demolition of an existing timber-clad store. The Council has indicated that it has no objection in principle to the erection of a dwelling in this location having previously granted planning permission². Based on the evidence, I see no reason to take a different view.
8. The Council has raised no objection to the proposed dormer on the rear elevation, and I see no reason to disagree with that assessment. I shall therefore focus my assessment on those elements of the proposed development outlined by the Council in its decision notice and statement.
9. The main issue is therefore whether the design of the proposed dwelling would effect the character and appearance of the Hadley Highstone street scene, having particular regard to the proposed roof form, roof lights and driveway; and whether it would preserve or enhance the character or appearance of the CA.

Reasons

10. 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.
11. The Monken Hadley Conservation Area Character Appraisal Statement, 2007 (the CAS), states that the appeal site is identified as part of 'Area one – Hadley Highstone Kitts End Road'. The immediate area is predominantly residential, comprising mainly of a variety of traditional detached, semi-detached, and terraced dwellings with a variation in roof heights. Dwellings generally feature front gardens bound by picket fences or hedgerows.
12. Based on my own observations, and the appellant's Heritage Statement, the significance of the CA is predominantly derived from the spacious character of residential development around the historic centre, with residential properties extending outwards in ribbons along ancient rights of way, differing in densities and typology. The area around Hadley Highstone retains a leafy character with a low suburban density.
13. The appeal site forms land associated with No 12, and is currently partially occupied by a detached timber-clad store located between it and No 14. The remaining area is open and hard-surfaced and set behind timber gates separated from the hard-surfaced area to the front, which is open to Hadley Highstone. The area immediately in front of No 12 is also hard surfaced. The boundary of No 12 consists of a picket fence to the side elevation leading to Mill Court and to the front with Hadley Highstone.
14. The properties immediately adjoining the appeal site contrast significantly in scale, massing and roof form. No 12 is reflective of its former use as a public house which occupies a prominent position overlooking the junction with Old Fold Lane, with Nos 14 and 16 presenting as two-storey cottages. I consider that the proposed site has a neutral effect on the CA.

² Ref 23/1334/FUL has rasiili

Gable Roof

15. The Council's Local Plan Supplementary Planning Document: Residential Design Guidance 2016 (SPD) states, amongst other matters, that proposals for new residential development should respond to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context, and recognise the roof form of surrounding buildings and reflect these where they are a positive attribute of the area's character.
16. The roof space to properties on Hadley Highstone and its immediate area varies depending upon their typology, with semi-detached and terraced properties typically presenting with gable roofs, and predominantly hipped roofs to detached properties. Chimneys are also a prominent feature on a variety of property types.
17. The roof of the proposed dwelling would be similar in design to Nos 14 and 16. Whilst the ridge would be set only marginally higher, the overall footprint of the proposed dwelling would be significantly larger than either Nos 14 or 16. Given the extent of the building's floor area, the volume of the roof would be substantially greater than these nearby dwellings. The roof of the proposed dwelling would therefore be notably greater in scale and bulk than the roofs of either Nos 14 or 16. This would result in it appearing cramped within its setting and it would erode the spaciousness between Nos 12 and 14. Consequently it would appear uncharacteristic in its immediate context and would dominate the Hadley Highstone streetscene and the CA.
18. My attention has been drawn to a number of properties within the locality which I have been told have gable roofs. With regard to No 1 Mill Corner, this is a detached dwelling set to the rear of Mill Court and Boundary Close and substantially behind Hadley Highstone. Whilst I have not been provided with any further information about the planning history of that dwelling, the context within which this property is set appears significantly different to that of the appeal before me. As such the circumstances are not directly comparable with the appeal proposal. With regard to those examples on Old Fold Place, Taylor's Lane, Langley Row, Dury Road and Windmill House and Pond House, these are not immediately visible from the appeal site and do not form part of its context.

Rooflights

19. The front roof slopes within the immediate vicinity of the appeal site on Hadley Highstone do not have roof lights. To the rear, however, No 8 has one large roof light to the front and one large roof light to the side roof slope. Due to the existing separation between Nos 12 and 14, and the positioning of No 8, only the side rooflight is visible from Hadley Highstone.
20. Whilst the SPD recognises that CA style roof lights sit more comfortably within roof slopes, it also states that they should be carefully positioned in order not to impact detrimentally or disfigure the appearance of a building, particularly where they are not a characteristic feature in the street scene.
21. The installation of two rooflights would appear unsympathetic to the immediate roofscape and would fail to respect the uncluttered rhythm of the existing roof form within the Hadley Highstone street scene.

22. Whilst I note the proximity of No 8 to the appeal site and the visibility and size of the roof lights, I do not know the circumstances under which this was installed. As such, the presence of the roof lights within No 8 does not provide justification for harmful development.
23. The appellant has directed me to a number of other properties which they contend have roof lights. A number of these contain dormers to the front without roof lights and are not directly comparable to the appeal before me. Furthermore, properties on Taylor's Lane, Dury Road, Hadley Green and Hadley Green West do not form part of its context and are not immediately visible from the appeal site.

Driveway

24. I note that the area within which the appeal site is located is covered by an Article 4 direction which, amongst other things, removes permitted development rights for hard surfacing fronting a highway.
25. The existing area to the front of the appeal site and No 12 is currently hard-surfaced, reflective of its former use as a public house. Picket fencing is limited to the front and side and enables clear views of the hard surfacing from Hadley Highstone when travelling along this public route.
26. The proposal would replace approximately half of the hard surface with grasscrete. The appellant contends that a soft landscaping scheme, which includes shrubs, trees and hedging, would cover approximately a further quarter of the front area. Whilst an extract of a landscaping scheme has been included within the appellant's final comments, the precise landscaping details have not.
27. The removal of the existing hard surfacing and the continuation of the front boundary would ensure that the area to the front of the appeal site and the frontage of No 12 creates a defined boundary with Hadley Highstone and the public route. Furthermore, the addition of soft landscaping would soften the frontage of No 12 and that of the appeal site. This would assist in harmonising the interface between the proposed development and the established character and appearance of the CA and the street scene. As such, if the appeal had been allowed, I am satisfied that a condition could have been imposed to secure a satisfactory landscaping scheme.
28. I have considered the Council's argument that the proposal would set a precedent for similar developments and its reference to appeal Ref APP/N5090/D/23/3322242. The front of No 14 is laid to garden with mature planting and a defined boundary. The appeal site in contrast is hard-paved across its whole frontage. Given the clear differences between the two sites, the particular circumstances relating to the appeal proposal would be unlikely be repeated elsewhere. Therefore, I give the Council's concerns regarding precedent limited weight.
29. The appeal site is viewed alongside the established gardens and front boundaries of nearby properties including those of Nos 8, 10, 14, 16 and 18 Hadley Highstone (No 18). At the time of my visit, the area to the front of No 18 was hard surfaced with bollards defining its boundary with the footway. Whilst this is subject to further investigation by the Council, I have not been

made aware of the outcome. In any case, I have determined the appeal on its own merits, based on the evidence before me.

30. I have not been provided with details of the grasscrete or a detailed landscaping scheme. Had the appeal been allowed, further details could be secured by a suitably worded condition. Subject to the imposition of such a condition, I am satisfied that the creation of a carriage driveway would not be harmful to the character or appearance of the Hadley Highstone street scene, and would preserve the character and appearance of the CA.

Public Benefits, Planning Balance and Conclusion

31. 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. Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal.
32. The proposal would bring about a number of public benefits, not least the provision of one dwelling to boost the housing supply, and benefits to the local economy during its construction and in the subsequent occupation. Whilst these benefits can be afforded a modest degree of weight in favour of the scheme, they would be limited to the scale of the proposal and, in respect of construction, time limited. These benefits however would not outweigh the harm that the development would cause to the character or appearance of the surrounding area and the CA as a designated heritage asset.
33. Whilst the proposed driveway would be acceptable, the proposed design, having particular regard to the proposed gable roof and roof lights would harm the character and appearance of the Hadley Highstone street scene, and consequently would fail to preserve or enhance the character or appearance of the CA.
34. As a result, the proposed development would fail to meet the requirements of the Act. There would also be conflict with Policies HC1 and D3 of the London Plan 2021, DM01 and DM06 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 and CS5 of Barnet's Local Plan (Core Strategy) 2012, insofar as they seek to ensure proposals preserve or enhance the character or appearance of Conservation Areas in Barnet. There would also be conflict with the Council's SPD, insofar as it seeks to ensure that development respects the character of the area in which it is situated and responds to the positive features of that character. The proposal would also be contrary to the provisions of the Framework in relation to heritage assets.
35. The Council contends that the proposed development would be contrary to its Local Plan – SPD: Sustainable Design and Construction 2016. However, this guidance sets out the technical requirements for environmental design and construction management relating to air, noise, energy, water, waste and habitat quality in order to achieve protection and enhancement of the environment. As the main issue in this appeal, relates to the character and

appearance of the CA and the street scene, this guidance is not directly relevant.

Other Matters

36. The Council has no objection to the proposed development with regard to highway safety subject to suitably worded conditions, relating to revised parking and a crossover plan. Based on the evidence I see no reason to take a different view.

Conclusion

37. 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.
38. I conclude that the appeal should be dismissed.

L Clark

INSPECTOR