



Appeal Decision

Site visit made on 21 October 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2024

Appeal Ref: APP/N5090/W/24/3346338 197-203 Ballards Lane, London N3 1LP

- 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 Greyclide Investments Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/4556/FUL.
 - The development proposed is the construction of a single storey extension above the existing building to provide 4no. new residential flats (use class C3) and additional commercial (Class E) floorspace. Provision of associated refuse/recycling and cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey extension above the existing building to provide 4no. new residential flats (use class C3) and additional commercial (Class E) floorspace. Provision of associated refuse/recycling and cycle storage at 197-203 Ballards Lane, London N3 1LP in accordance with the terms of the application, Ref 23/4556/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The Council has referred to an emerging Local Plan at Examination. I have not been provided with information on the status of the emerging plan nor has a copy of the emerging Local Plan been supplied and nor has any draft policies been referenced in the decision notice or officer report. I have therefore given this very limited weight and determined this appeal with reference to policies from the existing adopted development plan.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and area.

Reasons

4. The appeal property, Hartnell Court, is a three-storey building comprising residential flats and offices with a mix of shallow pitched and flat roofs. The building is located in a prominent position on the corner of Ballards Lane and Gruneisen Road.
5. Ballards Lane is a long road. A short distance down Ballards Lane from the appeal site, opposite the methodist church, I observed several five storey flat roofed developments visible from the appeal site. Immediately adjacent to the appeal site on Ballards Lane and Gruneisen Road is the flat roofed four storey

Park Place residential development. To the north and north east of the appeal site are two and three storey terraced properties. On the opposite side of Ballards Lane, across from the appeal site is Victoria Park. The variety in building height and scales contributes positively to the character and appearance of the area.

6. The proposed development would replace the existing roof with an additional fourth floor that would have a flat roof. The elevation of the additional floor would largely replicate the design and appearance of the existing building elevations, using matching facing materials and detailing.
7. The corner position of the property would make the proposal prominent in wider views, including from Victoria Park; however, the building is already prominent. I note that the additional storey contains no setback on the front and rear elevations. However, from Ballards Lane, the proposal would be viewed against Park Place, which is set forward of Hartnell Court, hard against the pavement. The front elevation of the additional storey would remain set back from both the front elevation and the fourth storey of Park Place. When viewed from Gruneisen Road, the side elevation would be stepped in, retaining the existing staggered relationship. These factors would assist in minimising the increased mass and any domineering effects of the additional storey, such that the additional massing would not appear excessive nor result in an unacceptable increase in prominence within the surrounding street scene.
8. The current pitched roof of the building provides a gradual transition in height between the two and three storey housing opposite the appeal site and Park Place. Whilst the proposed flat roof design would result in a more abrupt change in roof height, the roof height would only be marginally higher than it is currently and would remain lower than the adjacent Park Place development. This would ensure that the proposal would not dominate, appearing secondary to Park Place. Furthermore, the side and corner elevation facing Gruneisen Road would remain three storeys in height. With a change to a flat roof, this element would have a reduced roof height compared to the existing development. Overall, the height transition between the buildings along this part of Ballards Lane would still be evident, and an acceptable spatial relationship would be maintained between the two and three storey properties that are close to the development.
9. Drawing the above points together, the size, scale, bulk, siting, massing and design of the proposal would be acceptable, and it would not represent an incongruous form of development.
10. For the above reasons, I conclude that the proposed development would not have a harmful effect on the character and appearance of the host property and area. It would therefore comply with Policy D3 of the London Plan 2021, Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (2012), Policy DM01 of Barnet's Local Plan Development Management Policies (2012) and the supporting information in the Supplementary Planning Document: Residential Design Guidance (2016). These seek to ensure, amongst other matters, that development conserves and enhances the distinctiveness of Barnet and respects local context and character. It would also accord with the aims of the National Planning Policy Framework which seeks to secure development that is sympathetic to the local character and the surrounding built environment.

Other Matters

11. I have considered the numerous objections that interested parties have raised. I am aware that previous appeals have been dismissed at the site¹. This is not a reason for resisting the proposal, in those appeal schemes the proposal was for more residential units than the scheme before me and included more than one additional storey. As such, those schemes are not directly comparable to this appeal scheme and so I attach them little weight. In any case each proposal is determined on its own merits.
12. The Council has not raised an issue with the principle of additional residential properties at this location. From my site observations and the surrounding urban context, there is no substantive evidence to suggest that the proposal would represent overdevelopment.
13. Any disturbance during demolition and construction would be for a temporary period only and could be mitigated by a condition requiring a demolition and construction management plan.
14. A daylight and sunlight assessment was submitted as part of the appeal and concluded that whilst there would be some minor reductions in light levels for nearby properties, it would not be significant as to warrant refusal. I find no reason to disagree with the conclusions reached in this regard. Regarding privacy, the set back of the fourth floor from the properties on Gruneisen Road means any possible overlooking from the windows would be very limited, with any views at an oblique angle. Regarding the rooftop terraces, privacy screens could be installed to ensure no adverse overlooking. These could be secured by a planning condition. Given the separation distance and the existing degree of mutual overlooking which exists from windows at the rear of Hartnell Court towards the residential block at the rear, the proposal would not materially worsen the situation for these residents, with any views being oblique. Based on my observations on the site visit and the submitted information, I agree with the assessment of the Council in that the proposed development would not result in significant harm to the living conditions of the neighbouring occupiers in respect of the above matters.
15. Comments have been made that the proposal would result in the loss of a view. However, the Courts have held that the loss of a view in itself is not a planning matter. Moreover, I have found that the scheme would not harm the character and appearance of the area. Thus, any change to views would also not be harmful anyway.
16. Noise concerns relating to noise transfer between the new floor and existing third floor have been raised. However, the layout of the development has been designed to ensure an appropriate stacking arrangement, common in flatted development, and there is no substantive evidence to suggest appropriate sound insulation cannot be achieved. Furthermore, a condition could be attached ensuring that pre-completion sound insulation tests are in compliance with building regulations.
17. Whilst noting concerns raised over parking, given the good accessibility of the location and the scale of the proposal, any additional parking demand would likely be limited. A parking stress survey was submitted as part of the

¹ Ref: APP/N5090/W/23/3329877 & APP/N5090/W/23/3287489

application which demonstrated demand for on-street parking in the area is limited. The Council also considered parking could be accommodated on-street with no concerns raised in this regard. At my visit, although only a snapshot in time, I did not observe surrounding roads to be subject to excessive parking levels. In the absence of substantive evidence to the contrary, I am satisfied that the proposal would not lead to parking issues.

18. Concerns have been raised regarding pressure on local services. Given the limited number of new dwellings it is not considered that the development would result in unacceptable pressure on local services and I have no substantive evidence before me to suggest otherwise.
19. Concerns have been raised regarding existing waste management. This would be a matter between the relevant parties outside of planning. The proposal includes additional waste storage capacity and a condition could be imposed ensuring suitable storage and screening for bins.
20. Concerns around the existing lift within the property being taken out of action would be a private matter between the existing residents and the appellant.
21. I have no substantive evidence regarding concerns about existing property maintenance, anti-social behaviour and effects on the local sense of community. In any event these could be managed by different mechanisms if problems were to occur in the future.
22. No affordable housing is proposed as part of the scheme, however there is no substantive evidence before me to suggest that such provision is required in this case. The proposal would need to comply with building regulations in respect of accessibility and adaptability, which could also be secured via a condition to ensure this is achieved prior to first occupation.
23. Matters relating to property values are noted, but I am required to consider the planning merits of the case and the effect of a development on property values in themselves is not generally a planning consideration.
24. Concerns relating to consultation are noted. However, there is nothing before me to substantiate that the Council have not undertaken the necessary regulatory consultations both at application and appeal stage.

Conditions

25. The Council has suggested several conditions. I have included those which meet the six tests set out in the Framework and the Planning Practice Guide (PPG), rewording and removing words, where necessary, for clarity and conciseness. In addition to the standard time limit condition [1], a condition is necessary to ensure that the development complies with the submitted plans in the interests of clarity and certainty [2].
26. I have added a materials condition to ensure a satisfactory appearance and to safeguard the character of the area [3].
27. A pre-commencement condition requiring the submission of a construction and demolition management plan is necessary to maintain highway and pedestrian safety and safeguard the living conditions of nearby residents [4]. To ensure the proposal would provide acceptable living conditions for future occupants a pre-commencement condition is attached requiring a scheme of noise

mitigation measures to be submitted [5]. The appellant has provided written agreement to the pre-commencement conditions.

28. To ensure that refuse storage provision is adequate and accessible, a condition requiring details of refuse storage and collection is necessary prior to occupation [6]. A condition requiring details of cycle parking and storage prior to first occupation is necessary in the interests of promoting sustainable transport options [7]. A condition prior to occupation is necessary to require details of privacy screens to ensure a satisfactory appearance and to protect the living conditions of both future and neighbouring occupiers [8].
29. A condition requiring the submission of pre-completion sound insulation test certificates has been attached [9]. This is necessary to protect the living conditions of future and neighbouring occupiers. Conditions are also necessary to ensure the development efficiently uses water and meets carbon emission reduction requirements [10] and [11].
30. To meet the changing needs of future occupants a pre-occupation condition requiring that the proposed dwellings are accessible and adaptable is required [12]. A condition restricting access to the roof of the extension is required to protect the living conditions of nearby residents [13].
31. A condition has been imposed to ensure Non-Road Mobile Machinery complies with specific emission standards in the interests of air quality [14]. A condition restricting the construction hours is required in the interests of living conditions of neighbouring residents [15].

Conclusion

32. For the reasons given above, and having regard to all other matters, I conclude that the development would comply with the development plan and the Framework. The appeal is therefore allowed.

T Bennett

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:

21109-LSI-BLF-XX-DR-A-1170 Rev P02,
21109-LSI-BLF-XX-DR-A-1176 Rev P03,
21109-LSI-BLF-ZZ-DR-A-1260 Rev P03,
21109-LSI-BLF-ZZ-DR-A-1261 Rev P02,
21109-LSI-BLF-ZZ-DR-A-1262 Rev P02,
21109-LSI-BLF-03-DR-A-1303 Rev P04,
21109-LSI-BLF-RF-DR-A-1305 Rev P01,
21109-LSI-BLF-ZZ-DR-A-1350 Rev P04,
21109-LSI-BLF-ZZ-VS-A-1400 Rev P05,
21109-LSI-BLF-ZZ-VS-A-1401 Rev P04.
- 3) No development (other than demolition works) shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No site works including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to, and approved in writing by the Local Planning Authority. The Plan shall include the following:
 - i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details of wheel washing;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from demolition and construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of car parking arrangements for the duration of demolition and construction;

- ix. details of a community liaison contact for the duration of all works associated with the development.

The approved Demolition and Construction Management and Logistics Plan shall be adhered to throughout the demolition and construction period for the development.

- 5) No development shall commence until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.
- 6) Prior to occupation of the development hereby permitted, details of enclosures for the storage of recycling containers and wheeled refuse bins, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
- 7) Prior to occupation of the development hereby permitted, details of cycle parking including the location of cycling parking spaces and type of cycle storage facilities proposed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
- 8) Prior to the first occupation of the dwellings hereby permitted, details of privacy screens to be installed for the rooftop terraces shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
- 9) Prior to the first occupation of the dwellings hereby permitted, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).
- 10) Prior to the first occupation of the dwellings hereby permitted, they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter and comply with the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day.

Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations. The dwellings shall be maintained as such in perpetuity thereafter.
- 11) Prior to occupation of the development, it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

- 12) The dwellings hereby permitted shall not be occupied until the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 for accessibility and adaptability have been complied with.
- 13) The flat roof of the extension hereby permitted, with the exception of the rooftop terrace shall only be used in connection with the repair and maintenance of the building and shall not be used as a balcony, roof garden or similar amenity area.
- 14) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the Mayor of London's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

- 15) Demolition or construction works shall take place only between 8:00am and 6:00pm on Monday to Friday, 8:00am and 1:00pm on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

****End of Conditions****