
Appeal Decision

Site visit made on 29 October 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2024

Appeal Ref: APP/N5090/W/24/3343583

21 Featherstone Road, Mill Hill, Barnet, London NW7 2BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark Shupac against the Council of the London Borough of Barnet.
 - The application Ref is 23/4059/FUL.
 - The development proposed is demolition of the existing bungalow. Erection of a 1.5 storey detached house.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs in relation to this appeal was made by the appellant against the Council of the London Borough of Barnet. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. In response to the appeal, the Council has prepared an appeal statement outlining its view that permission should be refused. I have had regard to this statement and the suggested reason for refusal within it in framing the main issues below.
4. Revised drawings were submitted during the determination of the planning application and have been included in the Council's Statement of Case. Therefore, accepting these amended drawings would not prejudice the Council or interested parties.
5. The new local plan is at regulation 24 stage. Main modifications were approved by the Cabinet on March 12th, it will now be subject to a period of formal consultation. Although the new local plan is at an advanced stage and is a material consideration, at the current time it does not form part of the statutory development plan. As such, I give it only limited weight in my assessment of the appeal.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the area.

Reasons

7. There is some variety in terms of architecture and dwelling sizes along the length of Featherstone Road. However, the properties on the eastern side of the road, near the appeal site, appear to have been built around the 1930s and are single storey. They are relatively unaltered, and a large majority retain their original hipped roof and have lower projecting bays on their front elevation. While the bays are varied in terms of their design, the overall built form of these properties provides a consistent rhythm of development on a large part of the eastern side of the road.
8. The appeal property, 21 Featherstone Road (No 21), is single storey and retains the original hipped roof form. A curved bay window, with a gable roof featuring black barge boards, projects from the front elevation.
9. The proposal is for the replacement of No 21 with a detached one and a half storey dwelling. The replacement property would have a front facing gable and an external porch on the front elevation.
10. The angle of the pitch of the proposed roof would reflect No 21 at each side. However, the appeal scheme would result in the loss of the original hipped roof and would disrupt the consistency in built form of the properties within the immediate area on the eastern side of the street. Further, the proposed replacement dwelling would be higher than the existing property. This, coupled with the gable roof, would result in a dwelling that would be significantly greater than neighbouring properties in terms of scale and massing. The contemporary design also includes an external porch which is a feature that is not common in the area. Therefore, due to its appearance, scale, mass and height the resultant dwelling would be overly prominent and an incongruous element within the street scene.
11. The replacement dwelling would be set back from the road and would maintain the existing spacing between No 21 and the neighbouring properties on either side. The appellant has also included external materials and design elements that reflect other properties within the street scene. However, these factors would not overcome the overall harm to the character and appearance of the area that I have identified above. I note that the appellant has drawn inspiration from 2 and 4 Featherstone Road, which both have front facing gables. However, these properties are several meters away on the opposite side of the road and the neighbouring properties on either side are two storey. Therefore, their scale and mass reflect the properties within their immediate area.
12. The effective use of land and the development of brownfield sites brings associated benefits and should be supported where possible. However, in this instance, I find that these benefits do not outweigh the significant harm to the character and appearance of the area, which is not lessened either by an absence of heritage assets or landscape designations.
13. For the reasons detailed above the proposed development would have a harmful effect on the character and appearance of the area. Therefore, it is contrary to Policy D3 of the London Plan, Policy CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document 2012 and Policy DM01 of the Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 which seek to deliver high quality design; as well as buildings

and spaces that positively respond to local distinctiveness through their scale, appearance and scape, with due regard to existing and emerging street hierarchy, buildings types, forms and proportions. They also state that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings.

Other Matters

14. My attention has been drawn to planning approvals granted for the replacement or extension of several other dwellings. Full details and plans were not provided in relation to the examples given and I note that 10 Featherstone Road was approved prior to the adoption of the current development plan. As such, I cannot be certain that they form a direct comparison to the appeal scheme before me.
15. The appellant has also highlighted a number of other policy criteria which are met by the proposals including flood risk, living conditions, refuse storage, ecology, access and parking. These issues are not disputed by the Council. However, the absence of harm in these matters is neutral in the planning balance and does not outweigh the harm I have identified above.
16. I appreciate that the appellant has attempted to overcome the concerns initially raised by the Council, but the amendments would still result in a proposal that would be contrary to the development plan for the reasons I have already outlined.
17. The appellant raises a number of issues regarding the Council's handling of this application. While unfortunate, this matter is outside the scope of my decision.

Conclusion

18. For the reasons given above the appeal should be dismissed.

C Livingstone

INSPECTOR