



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: 19 November 2024

Appeal Ref: APP/N5090/W/24/3343136

200 Nether Street, Ballards Lane To Dollis Road, Barnet, London N3 1JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Tang against the decision of the Council of the London Borough of Barnet.
- The application Ref is 23/5476/S73.
- The application sought planning permission for partial demolition of the existing detached bungalow to create a dwelling with an enlargement of the existing basement with lightwell. Extension of existing garage structure. Associated amenity space and parking space without complying with a condition attached to planning permission Ref 22/4659/FUL, dated 20 September 2022.
- The condition in dispute is No 1 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: F618-A-101, F618-A-200, F618-A-102, F618-A-300, F618-A-100, F618-A-104, F618-A-201, F618-A-105, F618-A-301, F618-A-103, Site Location Plan, Planning Fire Safety Strategy 16 July 2022 (AFC Fire and Security Ltd), ADelphi Structural Survey Feb 2022, ADelphi Structural Survey Addendum Dec 2022, MJW Surveying Ltd Survey and inspection April 2021, Aboricultural Survey and constraints Advice (Hallwood Associates) April 2022, Aboricultural Impact Assessment (Hallwood Associates) Sep 2022, PRA (Wychwood Environmental) June 23, DAS Spheron Architects.
- The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012) and The West Finchley Neighbourhood Plan (2021).

Decision

1. The appeal is dismissed.

Background and Main Issue

2. In 2022 planning permission was granted, subject to a number of conditions, for an enlargement of an existing basement with lightwell and enlargement of garage, following partial demolition of the existing dwelling. The planning permission included condition 1 which specified the approved plans. The proposal seeks removal of condition 1 and its replacement with a condition specifying the plans that reflect an amended design to facilitate changes to the proposed fenestration, to increase the height of the extension and the retention of an existing boundary wall.

3. The main issue is the effect of the amendments on the character and appearance of the area, including its effect on the significance of 200 Nether Street as a non-designated heritage asset.

Reasons

4. The appeal property, 200 Nether Street (No 200) was erected as a gate lodge to Brent Lodge, which is now demolished. The property is locally listed and occupies a prominent position, fronting a small roundabout on the corner of Nether Street and Finchley Way; Lovers Walk runs past the side of the property. There is a contrast between the developed and urban street scene and the rear garden and adjacent Lovers Walk, which are leafy and verdant. Both elements form the setting of No 200 and give a nod to the historical use of the building as a gatehouse.
5. The appeal property is of modest proportions and its balanced and symmetrical front elevation, and traditional detailing, contribute to its aesthetic merit. This coupled with its prominent position, are factors that add to the architectural and historical significance as a non-designated heritage asset. There is a detached ancillary garage to the rear of the property that is a later addition.
6. The removal of the existing garage was a noted benefit in the assessment of the original planning application. The lower height of the basement extension and the green roof originally proposed were considered to mitigate its impact. Increasing the height of the extension may negate the need to have a boundary fence in place. However, the increase in height would be significant and would result in a built form of greater scale and bulk which would detract from the balance of proportions of the appeal property as originally built and its garden setting.
7. Due to its size and position the larger extension would be highly visible from the public realm. The dominance of the resultant built form would detract from the existing street scene. In this instance the existing garage, as an unsympathetic later addition, does not set a precedent for an extension of a similar scale.
8. The proposed sliding doors would be obscured from some views due to the lightwell and their low position. Notwithstanding this, the introduction of large openings, coupled with a more contemporary door type, would not be reflective of the traditional detailing of the original property. The quality of the architecture is a defining feature of No 200 and this is not limited to the frontage. The sliding doors would be an unsympathetic amendment that would not reflect the original architecture of the appeal property.
9. The proposed changes also include the introduction of two windows on the side elevation that would serve the basement corridor, through the retention of an existing window and the introduction of an additional window. The additional window would reflect the size and position of the existing window and would not detract from the appearance of the appeal property. The existing front boundary wall is low and does not have a harmful impact on the frontage or setting of No 200, its retention is therefore considered to be acceptable.
10. It is acknowledged that the proposed amendments may improve the living conditions of future occupants of the appeal property. However, the benefits in

this regard are not outweighed by the considerable harm I have identified to the character and appearance of the area as well as 200 Nether Street, and its setting, as a locally listed building.

11. In conclusion the amended scheme, would have a harmful effect on the character and appearance of the area, and the significance of 200 Nether Street as a non-designated heritage asset. The proposal is therefore contrary to Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) 2012, Policies DM01 and DM06 of Barnet's Local Plan (Development Management Policies) 2012 and Policy D3 and HC1 of the London Plan 2021. These policies seek to create a high quality environment and proactively protect heritage including locally listed buildings; conserving their significance, by being sympathetic to the asset's significance and appreciation within their surroundings. They also state that proposals should preserve or enhance local character and respond positively to local distinctiveness.

Conclusion

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

C Livingstone

INSPECTOR