



Appeal Decisions

Site visit made on 9 October 2024

by A J Mageean BA(Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th December 2024

Appeal A Ref: APP/N5090/W/24/3342577

Abbey Arts Centre, 89 Park Road, New Barnet, Barnet EN4 9QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hadley Hall Developments Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/4113/FUL, dated 21 September 2023, was refused by notice dated 20 November 2023.
 - The development proposed is demolition of 3no. existing buildings (Fleurs Row, Gillians Row and Bills Potting Shed), and the erection of 3no. replacement buildings comprising a total of 4no. self-contained residential units and 2no. artists studios
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Appeal B Ref: APP/N5090/W/24/3344114

Abbey Arts Centre, 89 Park Road, New Barnet, Barnet EN4 9QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hadley Hall Developments Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 24/0519, dated 8 February 2024, was refused by notice dated 15 April 2024.
 - The development proposed is demolition of existing porch and store and erection of new porch and WC facilities.
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Appeal C Ref: APP/N5090/Y/24/3344113

Abbey Arts Centre, 89 Park Road, New Barnet, Barnet EN4 9QX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Hadley Hall Developments Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 24/0520/LBC, dated 8 February 2024, was refused by notice dated 15 April 2024.
 - The development proposed is demolition of existing porch and store and erection of new porch and WC facilities.
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Decisions

Appeal A Ref: APP/N5090/W/24/3342577

1. The appeal is allowed and planning permission is granted for demolition of 3 no. existing buildings (Fleurs Row, Gillians Row and Bills Potting Shed), and the erection of 3no. replacement buildings comprising a total of 4no. self-contained residential units and 2no. artists studios at Abbey Arts Centre, 89 Park Road,

New Barnet, Barnet EN4 9QX in accordance with the terms of the application Ref 23/4113/FUL dated 21 September 2023, subject to the conditions set out in the attached schedule.

Appeal B Ref: APP/N5090/W/24/3344114

2. The appeal is allowed and planning permission is granted for demolition of existing porch and store and erection of new porch and WC facilities at the Abbey Arts Centre, 89 Park Road, New Barnet, Barnet EN4 9QX in accordance with the terms of the application Ref 24/0519/FUL dated 8 February 2024, subject to the conditions set out in the schedule to this decision below.

Appeal C Ref: APP/N5090/Y/24/3344113

3. The appeal is allowed and listed building consent is granted for demolition of existing porch and store and erection of new porch and WC facilities at the Abbey Arts Centre, 89 Park Road, New Barnet, Barnet EN4 9QX in accordance with the terms of the application Ref 24/0520/LBC dated 8 February 2024 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Application for costs

4. An application for costs was made by Hadley Hall Developments Limited against the Council of the London Borough of Barnet. This application will be the subject of a separate decision.

Preliminary Matters

5. I have adopted the amended description of the proposal used by the Council for Appeal A as this more accurately reflects the development proposed.
6. The appeals relate to two different sets of proposals: whilst Appeal A relates to development in the wider site, Appeals B and C concerns alterations to the listed building. In the interest of efficiency and to avoid duplication I have consider the proposal together in the same decision letter.
7. The appellant submitted a Bat Emergence and Re-Entry Survey with their final comments. This sought to address the Council's second reason for refusing the Appeal A application. The Council was provided with the opportunity to comment on this additional information. I have had regard to the survey information in reaching a conclusion on this matter.

Main Issues

8. The main issues are as follows:

Appeal A:

- the effect of the proposal on the setting of the Grade II listed building, the Abbey Church of Christ the King;
- the effect of the development on the character and appearance of the area; and
- whether the proposals would have a harmful effect on protected species.

Appeals B and C:

- whether the proposals would preserve the listed building or any features of architectural or historic interest that it possesses.

Reasons

Heritage considerations

History and significance of the listed building

9. The significance of the listed building and its setting is closely tied to the history of this structure and the wider site, which I set out in some detail here. The list entry name for the building is The Abbey Church of Christ the King. According to the listing description, it was originally a 13th Century tithe barn, relocated in 1930/31 from Birchington in Kent to its present location within the grounds of Hadley Hall. Hadley Hall is itself a handsome Victorian villa standing in extensive grounds. Details submitted by the appellant indicate that during the 1930's Hadley Hall became the home of a small religious confraternity. Linked to this, the wider site became a repository for a wide range of artifacts charting social and cultural history, opening as Abbey Folk Park (the Folk Park) in 1935. At the point of the re-location of the former barn it was re-purposed initially as a place for worship for the confraternity. Substantial alterations were made to the barn at this time to form the 'Church'.
10. Originally this building was mostly thatched and had four bays, with one end elevation gabled and the other with a hipped roof. On its re-location, the timber frame was built on top of a brick plinth and shortened to include three bays with a pitched tiled roof with gables to both ends. The tiled roof was over-boarded, supported by timber rafters. Externally the walls between the timbers were infilled with brick with a cement rendered skim. Photographic evidence indicates that externally each elevation had the same timber framed and rendered appearance, with the southern gable incorporating a large stained-glass window. Other domestic scale window and door openings were incorporated, with a range of stained-glass windows in evidence at that time. Internally the timber frame was on display, and the building was fitted out as a church with pews, columns, screens, an altar and various other art works.
11. The porch on the northern elevation was added shortly after, connected to a covered walkway between the Church and Hadley Hall, presumably for the comfort and convenience of the occupants of the Hall. The southern elevation has at some point been weatherboarded, and the size of window openings altered.
12. The evidence before me also indicates that the wider Folk Park hosted a range of buildings and structures re-located to this site. The site plan dated 1937 indicates buildings and other structures such as a 'Roman villa' and an 'Arcade of Old-Time Shops'. Whilst the Folk Park attracted a range of visitors at that time, it closed in 1940 with many of the artifacts being sold off, and most of the Confraternity leaving during the 1940's. The site was subsequently bought by an art dealer who in 1946 gained approval for the site to be turned into the Abbey Arts Centre and Museum (the Arts Centre). This included the use of the Church as an art gallery for exhibition purposes, though it was still used as a church on special occasions until around 1970.
13. It appears that the buildings around the site became a mixture of living and working spaces for the new artistic community. The site has continued to be

the Arts Centre since this time, with a range of artists in residence, and with the Church functioning as a gallery and exhibition space until 2017. The wider site has recently been altered, with the southern section now accommodating a development of four detached dwellings.

14. The area around the Church, and forming its setting, has therefore remained as the Arts Centre, retaining a range of buildings, including artists studios, some residential use and other outbuildings. I understand that these buildings have been re-located to the site at various points over the past 120 years. As a result, they vary in form and character, with many of the 'artists studios' appearing as single storey chalets of some length. They are in various states of repair with some, notably 'Bill's Potting Shed', in a state of dilapidation.
15. These structures are set within a varied and characterful mature landscape. This comprises a series of inter-linked spaces between the buildings, with both lawned and semi-woodland areas. The larger spaces to the south appear to retain some features of the Folk Park, including the Tudor Garden. There is a sense of calmness and tranquillity within this quirky and unusual site, which stands apart from, and in contrast with, its suburban setting. The Council refers to the fact that this has been somewhat compromised by the loss of green space associated with the recent addition of the dwellings to the south.
16. I turn now to consider the special interest and significance of the listed building and its setting. The Church has clear historical value associated with the enduring nature of the original timber frame as its main structural element. More generally, the history of the Church as an evolved structure provides evidential value relating to its re-purposing, so as to remain relevant and valued by the people and cultures associated with it. There is also communal value associated with its evolved function, with its enduring stature and form symbolic of its cultural and social role as a gathering and exhibition space.
17. There is some debate about which is the principal or 'front' elevation of the Church. The answer is neither obvious nor straightforward as this building forms a focal point for a range of views around the site. The western elevation is initially the most prominent in that it is the first seen when entering the site along the driveway from Park Road, and there is a modest door on this elevation. The northern elevation contains a further similarly sized entrance, which is particularly prominent when viewed from the open lawned area to the northeast, and has functioned as the main entrance to the building. Also, the southern elevation provides a focal point for the more spacious garden areas to the south. On balance, my view is that, noting the stature of the northern elevation and its function as the main entrance, this is the primary elevation.
18. The setting of the Church within the remaining area of the Arts Centre supports an appreciation of its significance by providing an awareness of its function as a focal point for what has been an evolving spiritual, social and cultural community. This comes in the main from the configuration of the open areas around the other buildings to the northeast, southeast, south and west around the listed building. The areas to the west and south are particularly well defined, being enclosed by mature trees and shrubs and providing a sense of the site, and the Church within it, as an area apart from the wider suburban area. The varying degrees of visibility of the Church, including the glimpsed and incidental views gained at various points within the landscape setting of the site

reinforce its role as a focal point. In this sense the setting of the Church provides aesthetic value, in terms of sensory and intellectual stimulation.

19. Summing up, the primary heritage significance of the listed building relates to historical, evidential values and communal values, with its timber frame providing a clear link to its origins. The timber frame is appreciated from elevations to the west, east, north and internally. Its evolved form beyond this is instructive in highlighting the Church's communal role at the heart of the site. The wider site, and setting of the listed building, supports an appreciation of these communal values, with further aesthetic values associated with the sensory experiences gained from this mature and interesting setting, with the Church at its centre.

Effect of the works proposed

i) Roofing works

20. On my site visit I was able to see that the listed building is in a state of some disrepair, with visible water damage to the ceiling internally. This is supported by the appellants Condition Survey¹ which indicates concerns regarding water ingress and the potential for deterioration of the historic timber framing as a result.
21. The works proposed include repairs to the roof, with the existing tiles lifted to allow for repairs to be undertaken to the roof timbers. On this point the appellant sets out that as the upper face of the roof timbers cannot be seen when inspected internally, the extent of any damage will not be known until the tiles are removed, with repairs undertaken accordingly. Such investigative works would also allow for a fuller understanding of the extent of water ingress and how best to address this. At this point it is suggested that an additional breathable sarking membrane could be inserted between the internal boarding and the timber battens, with the existing tiles subsequently replaced.
22. The concerns expressed by the Council on this point refer to the insertion of uncharacteristic elements, such as the proposed membrane, having the potential to harm the character of the roof, noting the potential for an increase in the overall roof height to occur. Specific reference is made to the Historic England guidance on the repair of traditional farm buildings² which sets out that *'the inclusion of modern under-felting in historic buildings is usually unnecessary, inhibits drying and is visually obtrusive'*.
23. Traditional farm buildings require good internal to external airflow internally due to the humidity created by animals, fresh crops, as well as some moisture ingress from rain or snow. The circumstances of the appeal building are somewhat different, with ventilation for moisture control being less of a priority in comparison with climate control generally, including being reasonably watertight and insulated. In this regard, when the building was re-purposed from being a barn to a gathering place, tiles rather than a thatched roof were added with the roof rafters over-boarded internally to create a ceiling.
24. The insertion of the weatherproof membrane would alter the composition of the roof profile, with a marginal increase in height of around 3.5cm. As such the

¹ Condition Survey of the Barn at the Abbey Art Centre, 89 Park Road New Barnet, September 2023, Updated November 2023.

² Historic England 'The Maintenance and Repair of Traditional Farm Buildings: A Guide to Good Practice' 2017.

presence of the membrane itself would not be apparent externally or internally, where it would be above the boarded ceiling. It would therefore not obscure significant elements of the roof structure. Moreover, noting the intended ongoing function of this building as an exhibition space, the provision of a durable and weatherproof roof, in which the appearance of the internal space can be managed, is a reasonable aspiration.

25. Overall, my view is that additional breathable insulation would be appropriate within the roof plane as long as the roof would remain ventilated to avoid condensation. On this point the appellants documentation refers to the sarking membrane being breathable as well as weatherproof and waterproof, thereby addressing such concerns.

26. At this stage the appellant states that uncertainties around roof defects would need to be managed as part of the repair/reconstruction works. In this regard, in the event of the appeals being successful, the appellant suggests a condition allowing revised drawings to be submitted to address the possibility that concealed issues may emerge during roofing works. However, the sensitivity of listed buildings and that, if consent is gained, this is for the works approved. Therefore, if variation is sought it, is generally appropriate for a new listed building consent with all necessary accompanying details to be sought.

ii) *Guttering*

27. A further point is raised regarding the absence of detailed information relating to proposed alterations to guttering. At present the existing plastic rainwater gutters beneath the eaves on the east and western elevations are supported on black plastic brackets which are fixed to fascia boards. The fascia boards are then fixed to the bottom of exposed rafter feet.

28. On this point, the appellant's Heritage, Design and Access Statement sets out that the fascia boards have been saturated and are vulnerable to decay. As an alternative, the fascia boards could be removed, with the guttering supported by simple rafter brackets, which in turn would allow the rafter feet to be seen. Whilst there are limited details of the proposed rafter brackets, this alteration does not appear unreasonable in principle, noting the possibility that the current arrangement is exacerbating current issues with timber decay and water ingress. However, should this application be acceptable in all other regards, a condition seeking clarification of the detailed arrangements proposed would be appropriate.

iii) *Porch/store proposal*

29. The proposals include the removal of the existing porch/store on the northern elevation and its replacement with a larger single storey structure incorporating toilet facilities.

30. This is currently a mono-pitch structure with a pitched roof returning at its western end as part of the archway and bell tower over the driveway. It appears that this element of the building is not structurally integrated with the main timber frame structure, though was present soon after the re-construction of the Church in the 1930's. Whilst it has been designed to appear as an integral element of the Church with similar timber framing, it does obscure some visibility of the northern elevation.

31. The Condition Survey indicates that this structure has been somewhat crudely constructed, that it has been significantly altered, and that it is in a poor state of repair, with extensive decay to its timbers.
32. It would be replaced with a larger single storey structure of similar appearance. Whilst the existing structure is around 1.3m in depth and 4.7m in length, the proposals illustrate a structure which would be of the same height and depth as existing, and with a length of 5.4m. It would be re-positioned so that its length would be broadly contained by the main vertical timbers on this elevation.
33. The existing porch structure is part of the listed building, though its contribution to heritage significance is limited. Therefore, its removal would cause some limited harm to the integrity of the designated heritage asset. The presence of the slightly larger structure proposed would further obscure this primary elevation, though to a modest degree.
34. The Council have also argued that the addition of WC facilities would be an uncharacteristic feature, suggesting that this could instead be accommodated in a less significant area of the site. This point must be considered in relation to the evolved function of the building, noting also that the existing porch was an addition to the Church in the 1930's. My view is that the principle of the provision of modest WC facilities here would be reasonable and not inconsistent with the accepted use of the Church as an exhibition space, which in itself supports the communal heritage values identified above.
35. Summing up on heritage impacts of the development and works proposed under Appeals B and C respectively, I have found that the proposed works to the roof and to the guttering would not be unreasonable in that they would support the repair and maintenance of the building. More specifically, these alterations would assist in ensuring that the feature of particular interest, the timber frame, is protected.
36. For the reasons noted, whilst the principle of the use of the porch/storage structure as WC facilities would not be unreasonable, the removal of this structure and its replacement with a larger structure would lead to modest, less than substantial harm to the heritage interest and significance of the listed building.

Effect of the development proposed and the setting of the listed building

37. I turn now to the consideration of the effects of the Appeal A proposal in terms of the introduction of three replacement buildings on the setting of the Church.
38. The replacement for Bills Potting Shed would contain an artists studio connected to a 1 bedroomed dwelling. It would have a significantly larger footprint than the existing structure. It would be single storey, stepping down to the west. The southern building line would not extend beyond that of the existing structure, rather it would be closely aligned to the northern site boundary. As such it would not significantly impinge on the open and lawned spaces between this structure and the Church.
39. The replacement for Fleurs Row would provide for a two storey one bedroomed dwelling and a single storey one bedroomed dwelling. This would be largely contained within the footprint of the existing building, though this structure would be of somewhat greater height, noted by the Council as 0.9m higher than the existing structure. The existing entrance on the western elevation would be

removed. As this is accessed by a staircase adjacent to the Church, this would result in a slight stepping away from the listed structure.

40. Finally, the replacement of Gillians Row would be a single storey artists studio attached to a 1 bedroomed dwelling. This would be largely contained within the existing footprint, though would be around 0.5m higher than the existing building. It would not impinge on the open areas of the site.
41. Noting that the existing structures present a variety of building styles and materials across the Arts Centre's site, the appellant has sought to continue this eclectic mix within the design of the replacement buildings. Therefore, visual cues have been taken from the other buildings in terms of form and materials. This includes the use of pitched slate roofs, large casement windows and timber cladding. At this stage there is limited detail relating to proposed materials. However, should the Appeal A proposals be acceptable in other regards, this could be addressed via condition.
42. Whilst the scale of built form would be modestly increased, and in this sense there would be a slight intensification in built form within the setting of the Church, the structures proposed would remain subservient to their landscape setting. Specifically, the design approach would support the integration of the replacement buildings, with a continued sense of modest built structures set within a mature landscape setting with the Church at its centre.
43. The Council's concerns include the increase in purely residential use, suggesting this would be uncharacteristic, and would lead to incremental and cumulative harm to the setting of the listed building. The addition of the recent dwellings to the south has altered the composition of the wider site. However, the extent of separation within the grounds of the Arts Centre, noting particularly the large open area to the south of the Church and also the separate access to the new dwellings, mean that the setting of the Church has not been unduly impacted.
44. The additional dwellings proposed would alter the overall balance of uses, though the extent of additional provision would be reasonably modest, comprising four one bedroomed units, two of which would be directly connected to studios. The retention of dedicated artists' studios, along with those extant and approved additional studios to the west of the site, would mean that an overall sense of this being an arts-based community would remain. In this regard, the role of the setting of the Church in providing an awareness of its evolved function as a focal point for this community of interest would not be unduly compromised.
45. The Council have also referred to concerns about the potential harm to the listed building from construction close by. Should the appeal schemes be satisfactory in other regards, this is a matter that could be managed by condition. I therefore conclude that the development proposed under Appeal A would not cause harm to the setting of the Grade II listed building.

Consideration of heritage matters

46. Sections 16(2) and 66(1) of the Act³ require that when considering whether to grant listed building consent for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic

³ Planning (Listed Buildings and Conservation Areas) Act 1990

interest it possesses. Paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation.

47. The relevant development plan policies include the London Plan Policy HC1 and D1, Barnet's Local Plan Core Strategy (the Core Strategy) Policy CS5, and Barnet's Local Plan Development Management Policies (the DMP) Policy DM06 which, taken together, require that proposals affecting heritage assets, and their settings, should protect and conserve their significance. Further, the cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed.
48. I have concluded that the development proposed under Appeal A would not harm the setting of the listed building and would therefore comply with policy provisions in this regard. However, the development and works proposed to the listed building under Appeals B and C would cause a modest level of less than substantial harm to this designated heritage asset. In these circumstances paragraph 208 of the Framework requires that this harm should be weighed against any public benefits of the proposals, including securing the assets optimum viable use. I return to consider this matter as part of the planning balance below.

Character and appearance

47. Turning to the effects of the Appeal A proposals on the character and appearance of this area, I have noted the unique spatial and visual qualities of the appeal site in the context of the wider suburban environment. Specifically, its generous landscape setting stands in contrast with the wider suburban area.
48. I have also noted that the Arts Centre has distinctive and characterful features which have evolved since the 1930's. As set out above, whilst there would be some diminution of the characteristic openness of the site, I have concluded that the Appeal A proposals would largely maintain the nature, form and distribution of built structures on the site. Furthermore, noting the poor condition of the buildings to be replaced, the appeal proposals would provide for the rejuvenation of this site whilst maintaining its distinctive character.
49. Therefore, on balance, the appeal proposals would not have a harmful effect on the character and appearance of the area. They would support the London Plan Policy D1 which refers to the need to understand the qualities and value of different places in order to understand their capacity for growth.
50. They would also comply with the Core Strategy Policy CS5, which seeks to protect and enhance Barnet's character and to respect local context and distinctive local character, creating places and buildings of high-quality design. Similarly, they would not conflict with the DMP Policy DM01 which seeks to protect Barnet's character and amenity by requiring that development should be based on an understanding of local characteristics and that it should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Protected species

51. The Council's concerns relate to the lack of information on protected species, in particular the lack of an updated Preliminary Ecological Appraisal (PEA) and

updated bat emergence surveys. Specifically, without this information, harm to protected species could result from the implementation of the proposals.

52.A further PEA and Preliminary Roost Assessment (PRA) was submitted with the appeal documentation. The overall conclusions are that in terms of habitats and flora, there would be no direct impacts on notable habitats, though indirect effects such as pollution and damage to trees could occur during construction.

53.In terms of roosting bats, this information also sets out that whilst the buildings to be demolished have low habitat value, a bat emergence survey should be required during active bat season (May to September). This should confirm the likely presence or otherwise of a bat roost in the buildings. If bat roosts were to be found, then further survey work would be required to characterise the roost and inform an appropriate licensing application to Natural England.

54.The Council's comments on this additional information confirms that without the recommended Bat emergence survey there is a risk that the development could have an impact on protected species.

55.An addendum to the PEA and PRA was submitted to the appellant's final comments. This includes details of a survey undertaken on 28 May 2024, during which no bats were observed emerging from the buildings to be demolished and as such bats are very unlikely to be roosting. However, it was noted that the garden areas provide habitats for foraging and commuting bats. As such, if the proposals were to proceed, construction works and lighting provisions would need to be managed to avoid both damage to vegetation and light spill which could deter bats from using these areas.

56.Overall, noting the additional information provided by the appellant at appeal stage, I find that the proposals would not have a harmful effect on protected species. In this regard the requirements of relevant policy provisions would be met. This includes Policy G6 of the London Plan, which sets out that development should manage the impacts on biodiversity and aim to secure a net gain, informed by the best ecological information available. It also includes Policy DM01 of the DMP which requires development to contribute to biodiversity, including the retention of existing wildlife habitat and trees, and also Policy DM16 which requires the retention, enhancement or creation of biodiversity.

Other matters

57.Interested parties have raised other matters which are not at issue between the main parties. Concerns raised regarding noise and disturbance during construction could be addressed by a condition requiring details of demolition and construction management to be approved by the Council. Similarly concerns regarding noise from the units once occupied could be managed by a condition requiring the effects of use as artists' studios to be assessed and any necessary mitigation measures to be approved by the Council prior to development commencing.

58.Concerns are raised about the effects of the proposed replacement buildings on neighbour amenity, specifically regarding loss of privacy and overlooking. However, with the exception of the western end of Fleurs Row, these structures would be single storey and would not therefore result in overlooking of

neighbouring properties. The central position of Fleurs Row and the limited first floor fenestration would not lead to overlooking.

59. Whilst Bills Potting Shed would have a larger footprint and would be close to the shared boundary with Pandal Close, its single storey nature, pitched roof and restricted openings on its northern elevation would mean that it would not lead to a loss of privacy for neighbours. The specific concerns regarding light pollution could be addressed and managed through appropriately worded condition, should the appeals be successful.

60. It is suggested that the appeal proposals would represent an over-development of a garden area. However, I have noted that the replacement structures would largely maintain the distinctive character and qualities of this unusual site.

61. Concerns are also raised about the letting of the proposed rental units being unrestricted, with the suggestion that this has been the case with other units on site. However, there is no evidence before me to substantiate this claim. Should the appeals be successful, an appropriate occupancy condition could be attached.

Planning balance

62. The current condition of the listed barn is such that extensive repairs are required for it to be watertight and accessible. The works proposed would therefore be essential for its effective and viable use as an exhibition space. I have also concluded that the provision of WC facilities could reasonably be associated with such a use. Noting that this would be largely for private hire, I attribute benefits associated with securing the future use of the building moderate beneficial weight.

63. The appellant refers to the need for the proposed replacement buildings to provide funding to restore the listed building. I understand that this reason has been given in support of other previously approved development, including that relating to the four houses directly to the south. The appellant notes that the revenue generated by this scheme as being less than anticipated and refers to the considerable costs associated with maintaining the whole site.

64. Beyond the purely heritage benefits, the appellant refers to the need for the redevelopment of the existing buildings as being required to support the continuance of the use of the site for artists. In this regard I recognise that there is a connection between these schemes and securing the future of the Abbey Arts Centre as a whole, thereby maintaining its unique setting as well as cultural and creative venture. Whilst I have noted that this is largely a private operation, there are nonetheless modest public benefits associated with securing its future.

65. Whilst it would be possible to restrict the occupation of these units to those working in the arts sector, as this is for the most part a gated community, there is limited wider public benefits to be gained in this regard. Nonetheless, the scheme would provide additional small scale residential units within a sustainable location, thereby supporting the Framework priority to boost the supply of homes, a benefit of moderate weight generally.

66. Set against these benefits, I have identified modest, less than substantial harm to the heritage interest and significance of the listed building. This is a matter to which I am required to give considerable importance and weight. In these

circumstances, I consider the heritage benefits arising, specifically in securing the future active use of the listed building, would outweigh the harm identified. Whilst I note the wider public benefits, these would relate to the separate approval for the replacement buildings.

Conditions

67. The Framework sets out that conditions should only be imposed where they are necessary, relevant to planning and to the development (or works) to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the Council's list of suggested conditions on this basis and, taking into account comments from the appellant, have made amendments to the wording of those attached where necessary in the interests of clarity. In the absence of suggested conditions for Appeal C, I have suggested conditions and considered comments from both the Council and the appellant in the final list as set out below.
68. In the interests of certainty, I have attached a condition in respect of Appeals A and B which specifies the approved plans; however, such a condition is not replicated for Appeal C as progressing the works in accordance with the submitted plans is part of the formal decision above.
69. More specifically with regards to Appeal A, a condition with respect to commencement time (2) is required in the interests of certainty. Further conditions are necessary with regard to details of materials (3), demolition and construction management (5), an assessment of noise impacts (10), details of recycling facilities (13), and details of hard and soft landscaping (16) in the interests of protecting the character and appearance of the area and the living conditions of the occupiers of neighbouring dwellings. I have amended Condition 5 to include hours of construction in the interests of the amenity of local residents. Whilst not included in the list of conditions suggested by the Council, the appellant has indicated a willingness to accept such a provision.
70. Conditions relating to construction environmental management (6), low impact lighting (7), ecological enhancement features (8), details of the excavation required for services (14) and requiring development to be implemented in accordance with the Tree Protection Plan and Arboricultural Method Statement (15) are necessary to ensure the protection of on-site trees and wildlife. A condition requiring the site levels in relation to adjoining land and highways (4) is necessary in the interests of managing the effects of the development on the local area, noting particularly the proximity of other dwellings and the mature landscape close to site boundaries.
71. A condition requiring a contaminated land statement (9) is necessary in the interests of protecting the environment and ensuring public safety. A condition requiring the submission of a car parking management plan (11) is required to demonstrate the management of the various permitted uses in the interests of pedestrian and highway safety. However, a condition requiring a detailed parking plan for 17 spaces is not necessary, noting that such a plan is already set out in the Design and Access Statement and that the development itself only requires four spaces. Details of cycle parking spaces (12) are required to promote cycling. Details of water saving and efficiency measures (18) are required to encourage efficient use of water. A condition requiring the incorporation of carbon dioxide emission reduction measures (19) is required to

minimise emissions, with a condition requiring non road mobile machinery to comply with emissions standards (20) required for the same reason.

72. I have attached condition 17 relating to the occupancy of the proposed units, restricting this to persons mainly working in artistic and related uses. The Council raises concerns relating to the enforceability and precision of this condition. Nonetheless, the arts sector is broad and therefore to restrict the qualifying criteria any further would not be appropriate. Further, occupancy conditions can be enforced by local planning authorities using powers of investigation and particularly by issuing a Planning Contravention Notice under section 171C of the Town and Country Planning Act 1990.
73. I have not applied the suggested condition requiring a noise assessment of ventilation or extraction equipment prior to installation, noting that this is a domestic scale development and that extensive extraction and ventilation is not required. Further, the appellant notes that if any additional plant is needed for the studios, then a further planning permission would be necessary. I have not applied the condition relating to gas boilers as these can no longer be installed in new dwellings.
74. With regard to both Appeal B and Appeal C, in addition to the commencement conditions required for certainty, conditions requiring sample panels, and further details of the porch/WC and the gutter brackets are required to safeguard the special interest of the listed building. Noting the priority is to progress works to ensure that the roof is watertight, these conditions are required prior to those elements of the works commencing, rather than the scheme as a whole. A further condition requiring details of the servicing of the proposed WC is also necessary in the interests of protecting the special interest of the listed building.
75. Specifically in relation to Appeal C, a condition is also necessary in respect of making good on completion of the works, in the interests of preserving the special architectural and historic interest of the listed building.

Conclusions

76. Against the Appeal A proposals to replace existing buildings on site I have found that there would not be harm to the setting of the listed Church, the character and appearance of the wider area or protected species.
77. In relation to Appeal B and C proposals to alter the listed Church, I have found that the proposed works and development would cause modest less than substantial harm to the listed building, but that this would be outweighed by the public benefits that would be secured.
78. Therefore, for the reasons given, and having had regard to all other matters raised, I conclude that Appeal A, Appeal B and Appeal C should all succeed.

AJ Mageean

INSPECTOR

Appeal A Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan 000;
Existing Plans 001; 002; 003; 031; 032; 033; 034; 035; 036;
Proposed Plans 101; 102; 103; 104; 105; 106; 107; 111; 112; 113; 114; 115; 116; 117; 118; 119; 120;
Design and Access Statement, August 2022;
Construction Ecological Management Plan, 06 April 2022;
Daylight & Sunlight Assessment, July 2022;
Arboricultural Method Statement, 2 August 2022;
Tree Survey, 6 April 2022;
Preliminary Ecological Appraisal and Preliminary Roost Assessment 26 February 2024.
Bat Re-emergence and Re-Entry Survey 30 May 2024.
2. This development must be begun within three years from the date of this permission.
3. a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.
4. a) No development other than demolitions works shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.
5. a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
 - i. Demolition or construction works shall take place only between 08:00 and 18:00 Monday to Friday, 08:00 to 18:00 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays;
 - ii. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - iii. site preparation and construction stages of the development;
 - iv. 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;
 - v. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

- vi. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vii. 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;
 - viii. noise mitigation measures for all plant and processors;
 - ix. details of contractors compound and car parking arrangements;
 - x. details of interim car parking management arrangements for the duration of construction;
 - xi. details of a community liaison contact for the duration of all works associated with the development.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.
6. No development (including demolition, ground works, and site preparation works) shall commence until a Construction Environmental Management Plan (CEMP), setting out the construction and environmental management measures associated with that Development Phase, has been submitted to and approved in writing by the Local Planning Authority. Details within the CEMP shall include the precautionary mitigation measures to sufficiently protect those that habitats, species, and statutory and non-statutory designated site of nature conservation outlined within the Preliminary Ecological Appraisal and Preliminary Roost Appraisal (Arbtech, February 2024) in accordance with legislation and policy. As part of the CEMP an Ecology Toolbox Talk will be included to be delivered by the project ecologist. The CEMP shall include:
- i. Site information (including ecological features)
 - ii. Description of works, equipment and storage
 - iii. Programme of works
 - iv. Temporary hoarding and fencing
 - v. Temporary works
 - vi. Ecological avoidance and mitigation measures for the broadleaved woodland, and protected species mitigation measures for amphibians, mammals, reptiles, stag beetles, and nesting bird checks.
 - vii. Construction Exclusion Plan
7. Prior to the occupation of the proposed development details of a Low Impact Lighting Strategy shall be submitted and approved by the local planning authority. The artificial lighting scheme designed for the development, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.
8. Prior to occupation of the proposed development details the specification, location, including height, orientation, of the recommended ecological enhancement features including 2 x purpose-built bat roost boxes and 2 x Woodstone bird nest boxes (or similar), 1 x hedgehog box, 1 x insect hotel shall be submitted and approved by the local planning authority.

All approved biodiversity enhancement features including native biodiverse soft landscaping details shall be installed on site prior to first occupancy in accordance with the thereafter approved enhancement plan and Preliminary Ecological Appraisal and Preliminary Roost Appraisal (Arbtech, February 2024).

9. Before works commence on site, confirmation shall be submitted that a contaminated land method statement for the demolition and excavation has been agreed in advance with a suitably qualified contaminated land consultant to ensure all risks of land contamination are dealt with. This method statement shall be implemented in its entirety through excavation works.
10. Before development commences, a report shall be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development with regards to its use as an Artists Studios. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).
11. Prior to occupation of the development, a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The proposed development thereafter shall only be operated in accordance with the approved plan.
12. Prior to occupation of the development, 8 long stay and 2 short stay cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.
- 13.a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
b) 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.
14. a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be implemented in accordance with details approved under this condition.
15. No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the Tree Protection Plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the Tree Protection Plan and Arboricultural Method Statement as approved under this condition.
16. Prior to the occupation of the proposed development:

- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority;
 - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
 - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
17. The occupancy of the residential units hereby approved shall be as self-contained units as shown in the hereby approved drawings and shall be limited to persons mainly working in artistic and related uses.
18. Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
19. Prior to the first occupation of the development hereby approved 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.
20. 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 GLA's supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' (the SPG) dated July 2014, 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/>.

Appeal B Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing Plan Drawing Number EX-P-100 Revision A
Proposed Plan Drawing Number PR-P-100 Revision A
Existing North Elevation Drawing Number EX-E-01 Revision A
Existing East Elevation Drawing Number EX-E-02 Revision A
Existing West Elevation Drawing Number EX-E-03 Revision A
Existing Section Drawing Number EX-S-01 Revision A
Existing Main Roof Detail Elevation Drawing Number EX-D-02 Revision A
Proposed North Elevation Drawing Number PR-E-01 Revision A
Proposed East Elevation Drawing Number PR-E-02 Revision A
Proposed West Elevation Drawing Number PR-E-03 Revision A
Proposed Section Drawing Number PR-S-01 Revision A
Proposed Main Roof Detail Drawing Number PR-D-02 Revision A
3. The porch/wc extension hereby approved shall not take place until sample panels of the proposed lime render finish, the English Oak structural facing elements and of all new brickwork have been provided on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample panels.
4. The porch/wc extension hereby approved shall not take place until details of the design of the north, east and west elevations of the porch/wc structure, at scale 1:20, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. Prior to the replacement of any guttering, hereby approved, a plan, at a scale of 1:20, shall be submitted to and approved in writing by the Local Planning Authority showing the installation of gutter brackets. The development shall thereafter be carried out in accordance with the details approved.
6. No construction works associated with the hereby approved proposed porch/WC shall take place until details of all runs of services and a schedule of works necessary to implement the installation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details under this condition and retained as such thereafter.

Appeal C Conditions

1. The works authorised by this consent shall begin not later than 3 years from the date of this decision.
2. The porch/wc extension hereby approved shall not take place until sample panels of the proposed lime render finish, the English Oak structural facing elements and of all new brickwork have been provided on site and approved in

writing by the local planning authority. The development shall be carried out in accordance with the approved sample panels.

3. The porch/wc extension hereby approved shall not take place until details of the design of the north, east and west elevations of the porch/wc structure, at scale 1:20, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. Prior to the replacement of any guttering, hereby approved, a plan, at a scale of 1:20, shall be submitted to and approved in writing by the Local Planning Authority showing the installation of gutter brackets. The development shall thereafter be carried out in accordance with the details approved.
5. No construction works associated with the hereby approved proposed porch/WC shall take place until details of all runs of services and a schedule of works necessary to implement the installation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details under this condition and retained as such thereafter.
6. Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within 3 months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.