



Appeal Decisions

Hearing Held on 3 December 2024

Site visit made on 3 December 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2024

Appeal A Ref: APP/N5090/W/24/3350087

**Block 2, Site of the former Sir Thomas Lipton Memorial Hospital,
151 Chase Side, Southgate, London N14 5HE**

- 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 Mr Philippou of Yogo Group Ltd against the decision of the Council of the London Borough of Barnet.
- The application Ref 23/5391/FUL, dated 13 December 2023, was refused by notice dated 1 May 2024.
- The development proposed is the erection of a terrace of 3 dwellings including associated private and communal amenity space, landscaping, parking and alterations to existing wall to rear.

Appeal B Ref: APP/N5090/W/24/3350088

**Block 2, Site of the former Sir Thomas Lipton Memorial Hospital,
151 Chase Side, Southgate, London N14 5HE**

- 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 Mr Philippou of Yogo Group Ltd against the decision of the Council of the London Borough of Barnet.
- The application Ref 23/5394/FUL, dated 13 December 2023, was refused by notice dated 1 May 2024.
- The development proposed is the erection of a terrace of 4 dwellings including associated private and communal amenity space, landscaping, parking and alterations to existing wall to rear.

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appeal site is similar for both Appeal A and Appeal B. Both schemes propose a terrace of 3-bedroom dwellings of a broadly similar design. However, as Appeal B would result in an additional dwelling, it is comparatively wider. Given the similarities and to avoid duplication, I have dealt with both schemes together in this decision notice, unless stated otherwise.
4. Refusal reason 2 on the respective Council decision notices refers to an insufficiency of information in relation to surface water drainage. However, the Council confirmed at the hearing that their concerns in this respect could be

surmounted by the imposition of a pre-commencement condition to agree a drainage strategy. Hence, this matter is no longer in dispute and consequently, in each case refusal reason 2 falls away. This has informed my framing of the main issues.

Main Issue

5. The main issue for both appeals is the effect of the development on the significance and special interest of Osidge, a Grade II listed building.

Reasons

Significance and special interest

6. Osidge, is a substantial detached house dating originally from the early 19th century. The main body of the building comprises three stories and has two recessed lower wings. The central section is 5 windows wide and is constructed in yellow brick with a slate hipped roof. The principal elevation has stucco architraves, cornicing with decorative dentils, quoins, and a large central portico. The detailing emphasises the broadly symmetrical form and placement of fenestration.
7. Balance, proportion and hierarchy remain an obvious and intrinsic part of the classically influenced composition of the principal building. Hierarchy is evident in the differing ornamentation and treatment of the principal and secondary elevations, the reducing size of fenestration in higher parts of the building, and the broadly central placement of the house within the grounds allowing for an entrance drive.
8. Subsequent alterations to the building have undermined the symmetry somewhat. As described in paragraph 3.8 of the Heritage Appeal Statement, large extensions at the east and west ends of the principal building disrupt the proportions and rhythm of the original careful composition. Nevertheless, its surviving scale, symmetry and the quality of detailing give Osidge a grandeur and presence within the wider grounds, commensurate with its origins as a large and handsome country house.
9. The historic mapping provided shows how the context and entrance arrangements to Osidge have evolved over time. It has gone from a countryside setting to a largely suburban context. On all sides, suburban residential development has crept closer and has encroached into sizeable portions of the former grounds. The consequent reduction in spaciousness and isolation has, to a degree, eroded the dominance of the building within its surroundings.
10. This, together with other development within the grounds, means that the likely configuration of the former historic estate as an entity is not as apparent as it once was. Nevertheless, the remaining grounds include substantial areas lying close to the main house, which strongly associate with it. In those areas, the combination of space, verdancy and limited built form allows the main house to take precedence, thereby reinforcing its higher status.
11. Hence, a notable part of the significance and special interest of Osidge derives from its aesthetic and architectural value as a surviving example of a grand house. This stems not only from the historic built form, but also those parts of the remaining grounds that reinforce its status.

12. In addition, significance and special interest derives from its close association with Sir Thomas Lipton, the renowned grocer, yachtsman and philanthropist, who settled at the property for a large part of his life. Following his death, he made provision for the property to be used as a nurse's hostel. This subsequently changed to a care home for nurses, which continued until about 2014.
13. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.
14. The appeal site lies close to the east of Osidge. The evidence points to the appeal site having originally accommodated stables and thereafter, garaging for the occupants of the main house. More recently it housed a bungalow connected with the residential care home, but this was demolished as part of the wider redevelopment of Osidge. When I visited the appeal site, there was an absence of built form, and the land was being used for low level storage of building materials and equipment probably associated with the recent development.
15. Nevertheless, the historic maps reveal the longstanding presence of relatively small-scale buildings on the appeal site, likely to have performed an ancillary function to the main house. It is highly probable, that such structures deferred to Osidge in scale and function and thereby, reinforced the higher status and grandeur of the listed building.
16. My observations were that, notwithstanding the temporary storage of materials, the appeal site forms part of the immediate grounds to the listed building and can be seen in views contiguous with the house. Therefore, it lies in a sensitive part of its setting. Owing to its proximity, the appeal site has some influence over how the architectural and aesthetic qualities of Osidge are experienced, and thereby relates to its significance as a heritage asset.

The proposals

17. The appeal schemes propose alternative terraces of 3-bedroom dwellings that would align with the broadly east/west axis of the listed building. Appeal B would accommodate an additional dwelling and so the footprint would be wider for that reason. The terrace proposed for Appeal A would be separated from the nearest part of Osidge by about 15.3m, whereas it would be approximately 14m for Appeal B. In both cases, the dwellings would be of a similar height, incorporating accommodation in the hipped roof space. They would achieve a height broadly equal to that of the eaves of the eastern wing of Osidge.
18. Planning permission¹ was granted relatively recently for the conversion of Osidge into residential apartments, and in addition, terraced dwellings were permitted within parts of the grounds. This included permission for 'Block 2' amounting to three terraced dwellings at the appeal site. There is no dispute that this permission remains extant. The Council confirmed that, in relation to the approved scheme for Block 2, they did not consider that harm would be caused to the significance of Osidge. Consequently, both parties made comparisons between the appeal proposals before me and the extant scheme.

¹ Planning reference 18/5666/FUL

19. Furthermore, at the hearing there was some debate about what the 'baseline' of the appeal site should be taken as, in terms of its contribution to the setting of the listed building. There were differing views, ranging from the former bungalow, its present condition storing materials, to the approved Block 2 scheme. I observed the appeal site to be in a state of flux, which, in part, is probably due to awaiting the outcome of these appeals and therefore, temporary. Nevertheless, the former bungalow has gone. In these circumstances, I give most credence to the likelihood that the approved Block 2 scheme would be built in the absence of any approved alternative. As such, it is highly material to my determination for comparative and 'baseline' purposes.

The effect of the proposals

20. The appellant explained that the design approach underlying both appeal proposals was intended to be similar to that used for the approved Block 2 scheme. In broad terms, it is sought to emulate a row of two storey traditional cottages that are clearly subordinate to Osidge in their scale and appearance.
21. Having regard to the approved Block 2 scheme, there are relevant factors that would ensure that the resulting terrace would be successful in this respect. These include its limited width and massing, its restrained height and pleasing proportions. Furthermore, the relatively shallow pitch of the roof contrasts with the larger ornamental chimneys. That subtle relationship works to emphasise the diminutive nature of the terrace. In addition, a notable separation distance from the nearest wing of Osidge would be retained.
22. In combination, these would mean that there could be no question that the approved new structure would read as a continuation of the eastern wing or part of the main house. Instead, the scale would be unobtrusive, and the design would give the impression of an ancillary building, somewhat redolent of stables with accommodation. As such, the approved Block 2 proposal would sympathetically accord with the hierarchical principles established in the architecture of the listed building.
23. By comparison, the increased width of both appeal schemes would make for a more elongated form, and they would be greater in height. As such, both appeal proposals would have a more obvious mass and presence. Furthermore, both would markedly reduce the physical gap between the proposed respective terraces and the nearest wing of Osidge, making the visual distinction between the two less obvious. The resulting effect would be a negative one because, owing to the proximity of both appeal schemes, they would exacerbate the unfortunate elongation already caused by the wing on the eastern side of Osidge. Their presence in such a sensitive location would further detract from the balance and proportions which are an important component of the architectural significance of the main house.
24. In addition, both appeal schemes would have a notably larger roof mass relative to the approved Block 2 scheme. The pitch and use of a hip may reflect that seen on the eastern 19th century wing to Osidge, but I am not persuaded that would be an appropriate design cue for a clearly subordinate building. The distance between the eaves and roof ridge would be greater for both appeal schemes than that in evidence on the nearest part of the wing. These factors would result in a grander more assertive roof, leading to elevations with less pleasing proportions. Overall, this would give the proposed terraces an enhanced status that insufficiently respects the architectural hierarchy of the

listed building. Such status would be unwarranted, and at odds with the probable historic use and nature of buildings accommodated on this part of the grounds.

25. These effects would be seen in contiguous views of the principal and rear elevations of Osidge within the grounds, as well as in some glimpses from Chase Side. Although the Appeal B scheme would have a more harmful impact of the two, I find that both appeal schemes would detract from the architectural significance of the listed building for the reasons identified.
26. In coming to my views, I have taken account of recent residential development in the grounds of Osidge, which includes terraced housing with accommodation in the roof space. Nevertheless, those blocks are further away from the listed building than the appeal site and hence, do not lie in such a sensitive part of its setting. They do not lead me to find otherwise on the merits of the appeal schemes.
27. Consequently, the proposed developments would run counter to the expectations of section 66 of the Act. In the terms of the National Planning Policy Framework (the Framework), there would be less than substantial harm caused to the significance of the listed building as a designated heritage asset. In these circumstances, paragraph 208 of the Framework states that this harm should be weighed against the public benefits of the proposals.

Heritage balance

28. There would be public benefit arising from the provision of additional dwellings to the overall housing supply, and the associated economic benefits from their construction. This would be slightly greater in the case of Appeal B given it would result in 4 dwellings. Nevertheless, in both cases, the extent of weight given to these benefits is tempered by the extant permission for Block 2, which would deliver broadly similar benefits whilst avoiding the harm I have identified.
29. However, policies in the development plan give highest priority to 3 bed dwellings as part of the housing mix, whereas homes with 2 bedrooms (such as the approved scheme) are a medium priority. As both appeal schemes would deliver 3 bed homes, this weighs in their favour. Furthermore, all the dwellings proposed would provide reasonable provisions for wheelchair users which would be beneficial.
30. Overall, in each case, the public benefits attract moderate favourable weight. Nevertheless, paragraph 205 of the Framework states that great weight should be given to the conservation of designated heritage assets. Hence, the sum of public benefits in each case is insufficient to outweigh the respective identified harm. As such, the developments would conflict with national policies contained in the Framework that seek to conserve and enhance the historic environment.
31. In addition, the proposals would conflict with policy HC1 of The London Plan, March 2021, policies CS1 and CS5 of Barnet's Local Plan, Core Strategy, Development Plan Document, September 2012 (CS) and policies DM01 and DM06 of Barnet's Local Plan, Development Management Policies, Development Plan Document, September 2012 (DMP). Amongst other things, when read together, these policies seek high quality design that conserves and enhances heritage assets and their settings.

32. Accordingly, I find that both developments would have an unjustifiably harmful effect on the significance and special interest of a Grade II listed building. This would be contrary to the Act as well as local and national planning heritage policies.

Other matters

33. The appellant asserted that the Council would not accept any deviation from the approved Block 2 scheme and had not approached the proposed revisions with an open mind. Nevertheless, during the discussion at the hearing the Council conceded that it may be possible to have more than one acceptable scheme, so long as it did not result in harm to the significance of the listed building. However, this does not alter my findings on the respective merits of the appeal proposals.

Conclusions

34. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found both proposals would conflict with policies of the development plan which seek to protect the quality of the historic environment. Consequently, the proposals would be contrary to the development plan as a whole.
35. Whilst there would be some public benefits arising from the proposals, I do not consider there are any which individually or cumulatively carry such weight that a decision should be made other than in accordance with the development plan.
36. Therefore, for the reasons given above, both Appeal A and Appeal B should be dismissed.

Helen O'Connor

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

William Avery, WEA Planning
Edward Hawkins, RPS (Heritage)

FOR THE LOCAL PLANNING AUTHORITY:

Ashley Niman, Senior Planning Officer, London Borough of Barnet
Jonathan Hardy, Heritage Manager, London Borough of Barnet

INTERESTED PARTIES:

Alan Briggs, Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Copies of Policy CS4 - Providing quality homes and housing choice in Barnet (from the CS) and Policy HOU02 - Housing Mix (from the DMP).