



Appeal Decision

Site visit made on 10 December 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2025

Appeal Ref: APP/N5090/W/24/3346446

Rear of 625 Watford Way, Mill Hill, Barnet, London NW7 3JN

- 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 Mr Martin Kaye against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/5362/FUL.
 - The development proposed is described as “Demolition of existing rear Commercial Unit 2. Construction of 2-storey rear extension and creation of two new residential units with private amenity areas including a roof terrace. Associated site works including refuse and cycle storage.”
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As such, I have not sought submissions on the revised Framework, and I am satisfied that no party’s interests have been prejudiced by taking this approach.

Main Issue

3. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises a three-storey mid-terrace property located in a built-up urban area. The property has a shop front at ground floor which forms part of a parade of shops and commercial premises along Watford Way. The upper floors of the appeal property and neighbouring buildings are in residential use and are accessed at the rear from Northway Crescent.
5. The yard areas at the rear of the row of terrace properties have a generous length and whilst there are a range of existing extensions and outbuildings, many of the rear yards are used for car parking, and / or as servicing areas for the commercial units. Therefore, the rear of the existing buildings has a relatively open but functional appearance.

6. The existing extensions and outbuildings are single storey, primarily with a flat roof design, and a modest, unassuming appearance.
7. In contrast, the proposed extension would have a two storey height, which would project significantly to the rear of the existing row of terrace buildings. As a result, the proposal would introduce a significant amount of built form and mass at the rear of the building, which would have a commanding and inharmonious appearance in the context of the more modest single storey buildings. Furthermore, and notwithstanding that the proposal would not be visible from Watford Way, it would be visible from adjacent streets in the immediate locality, whereby it would be visually dominant.
8. While the sedum green roof would help to soften the appearance of the extension and its functional flat roof design, the expanse of solid brick work would exacerbate the visual dominance of the proposal. Consequently, the proposed extension would have a utilitarian appearance which would be an incongruous form of development, even within the context of the functional rear yard areas.
9. It is suggested that alternative facing materials could achieve a contemporary design for the proposal. However, no substantive details have been submitted. Nonetheless, alternative materials would not lessen the significant amount of built form and mass of the proposed development.
10. My attention has been drawn to a number of previous planning permissions¹ at neighbouring properties on Watford Way. In particular, a scheme at 655 Watford Way (No 655), which has been constructed. The scheme at No 655 is a large two storey development, with a flat roof design, that projects significantly to the rear of the property. Therefore, I accept that there are similarities between that scheme and the proposed development. However, very limited information has been provided of the circumstances of that case. That scheme is also located within a different part of the street scene compared to the proposed development. In any event, whilst I acknowledge that consistency of decision making is important to ensure public confidence, I am not bound by previous decisions of the Council, and I have exercised my own judgement on the appeal proposal.
11. For the collective reasons outlined above, I conclude that the proposed development would be harmful to the character and appearance of the area. As such, the proposal would fail to accord with Policy D3 of the London Plan March 2021, Policy CS5 of Barnet's Local Plan Core Strategy September 2012 and Policy DM01 of Barnet's Local Plan Development Management Policies September 2012, which, together and amongst other things, seek to secure high quality design which preserve and enhance local character and distinctiveness.

Other Matters

12. The main parties agree that a recent prior approval application² for the Change of use of existing ground floor commercial unit (Use Class E) into 1no dwelling (Use Class C3); Associated refuse/recycling and cycle storage, represents a fallback position should this appeal be dismissed. However, full approved plans for the prior approval scheme have not been submitted, and I have therefore not been

¹ Council references - 16/3080/FUL, 16/0681/S73 and 19/2724/FUL,

² Council reference - 23/3276/PNE

able to draw comparisons between that scheme and the proposal. As such, I attach limited weight to the fallback position.

13. The appellant has identified that the Council has raised no objections in respect of loss of employment space, the principle of flats on the site, the impact on neighbouring amenity, the living conditions of future occupiers, or on highway safety grounds. I see no reason to disagree with the parties on these matters.
14. It is suggested that the Council failed to meet its housing delivery target in 2022, but the evidence identifies that it has been delivering 107% of its housing requirement across a three year period. As such, housing delivery in the borough is good. Nevertheless, the creation of two additional dwellings in an accessible urban area, would contribute to boosting the supply and mix of new housing, as referenced in the Framework. There would also be social and economic benefits to local services during the construction and occupancy phases. In addition, the proposed development would repurpose the rear yard area, which the appellant suggests would sustain the economic viability of the existing commercial space for housing. The proposals include cycle storage provision for two bicycles and provision for refuse and recycling storage within the site. It is also identified that the proposals would provide a 35% reduction in carbon dioxide emissions and 100% of its water supply through water meters. However, these benefits, including the provision of two dwellings in boosting housing supply in the area, would be limited and would not outweigh the significant harm caused by the impact of the proposed development on the character and appearance of the area.

Conclusion

15. For the reasons given above, I have found that the proposed development would conflict with the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, the appeal should be dismissed.

N Bromley

INSPECTOR