



Appeal Decision

Site visit made on 12 November 2024

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

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/N5090/D/24/3344391

66 Hadley Highstone, Drury Road to Great North Road, Barnet EN5 4PY

- 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 73A of the Town and Country Planning Act 1990 (as amended) for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Twin Estates against the decision of the Council of the London Borough of Barnet.
- The application Ref is 23/4941/S73.
- The application sought planning permission for 'Two storey front extension. Single storey side/rear extension. Lower ground floor comprising of a swimming pool and associated alterations (Amended description/plans),' without complying with a condition attached to planning permission Ref 22/3605/HSE dated 12 July 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:
Planning & Heritage Statement, Drg.no. 20-2338/P/01(Site Location Plan),
Drg.no. 20-2338/P/02 Existing Block/Site Plan), Drg.no. 20-2338/P/03 (Existing Ground Floor), Drg.no. 20-2338/P/04 (Existing First Floor), Drg.no. 20-2338/P/05 Existing Loft),
Drg.no. 20-2338/P/06 (Existing Roof Form), Drg.no. 20-2338/P/07 (Existing East & North Elevations), Drg.no. 20-2338/P/08 (Existing West/South Elevations)
The above plans were received on the 12/07/22.
Drg.no. 20-2338P10 (Proposed Site Plan), Drg.no. 20-2338P27 Rev.B (Proposed First Floor), Drg.no. 20-2338P28 Rev.B (Proposed Roof Form), Drg.no. 20-2338P29 Rev.B (Proposed East & North Elevations), Drg.no. 20-2338P30 Rev.B (Proposed West/South Elevations)
The above plans were submitted on the 21/09/22.
Drg.no. 20-2338P25 Rev.C (Proposed Lower Ground Floor), Drg.no. 20-2338P26 Rev.C (Proposed Ground Floor)
The above plans were submitted on the 24/10/22.
- 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).

Decision

1. The appeal is allowed and planning permission is granted for the variation of condition 1 of planning permission reference 22/3606/HSE dated 24/10/2022 for variation/amendments to include the additional provision of an extension to the front (north) elevation adjacent to the porch, the provision of dormer windows in this extension and the roof of the north elevation, the raising of the roofline to match the higher point of the existing roof, the raising of the side/rear (east/south), extension to be double rather than single storey and a larger lower-ground swimming pool at 66 Hadley Highstone, Drury Road to

Great North Road, Barnet EN5 4PY in accordance with the terms of the application, Ref 23/4941/S73, subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with drawing nos:
20-2338/P/01, 20-2338/P/02 Rev B, 22-2338/WD/200 Rev C, 22-2338/WD/201 Rev C, 22-2338/WD/202 Rev C, 22-2338/WD/203 Rev C, 22-2338/WD/204, 22-2338/WD/205, 22-2338/WD/206, 22-2338/WD/207.
- 2) Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.
- 3) Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) on the roof hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Preliminary Matters

2. The description of the development in the decision above was taken from the appeal form rather than the planning application form in the interests of clarity and as Section E of the appeal form indicates that a revised description was agreed by the Council and the appellant.
3. Although Barnet's Draft 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.
4. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to comment further. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.
5. The works which are the subject of this appeal are largely complete. This appeal seeks to substitute the drawings previously approved, varying condition 1 to ensure that the approved plans reflect the development as built.
6. The Framework does not apply Green Belt Policy to development outside of the Green Belt (GB). Paragraph 16.2.5 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP) sets out the development which would be adjacent to the GB would be resisted if it would have a 'detrimental effect on visual amenity, or the openness, purposes and objectives of these designated areas'. The DMP pre-dates and is more restrictive than the Framework in this regard, so I have given greater weight to the Framework in relation to it.
7. The GB boundary passes through the appeal site. Consequently, the majority of the rear garden is within the Green Belt, but the dwelling and the area of the development is not. Therefore, the development does not need to be assessed against GB policy.
8. Within the Delegated Report the Council state that the proposed plans indicate that the basement level swimming pool would be entirely underground.

However, drawing no 22-2338/WD/202 indicates that the basement pool and the appeal property are higher than the driveway.

Main Issues

9. The main issue is the effect that varying the condition would have on the character and appearance of the host property, including whether it would preserve or enhance the character or appearance of the Monken Hadley Conservation Area (MHCA).

Reasons

10. The appeal site forms part of the MHCA and is within Area 1- Hadley Highstone Kitts End Road, which is one of 10 sub-areas each with their own particular characteristics as defined by Monken Hadley Conservation Area Character Appraisal Statement 2007 (CAS). The CAS notes the varied and high quality historical architecture of the properties that line the road in this part of the Conservation Area, several of which are either listed or locally listed. The CAS also acknowledges that the properties on the northern end of the east side are larger and later.
11. The significance of this part of the MHCA is defined, in part, by the linear pattern of development, which allows for long range views along Hadley Highstone. High quality traditional dwellings, in a variety of architectural styles, set in mature gardens border the road. Tall garden trees and areas of open undeveloped land give the area a semi-rural feel. The host property is positioned, in isolation, to the rear of dwellings that front Hadley Highstone on a part of the road where properties are larger and later. The dwelling is accessed via a long driveway which runs through a small gap between two dwellings. The length and width of the drive as well as existing development significantly restricts views of 66 Hadley Highstone (No 66) from the public realm. Further, views of No 66 from neighbouring properties are limited due to the surrounding planting and the notable distance between them.
12. The appeal property is of an attractive and unique design and incorporates traditional external materials and design features that are in keeping with the MHCA. Nevertheless, based on the evidence before me the dwelling has been subject to several extensions and alterations, both in the past and as recently approved. This has diminished the original historical character of the building, which coupled with its reduced visibility from public and neighbouring vantage points, limits its contribution to the significance of the MHCA. Notwithstanding this, the extensive rear garden is open and undeveloped and makes a positive contribution to the open and rural feel of the area and adds to the significance of the MHCA overall.
13. The appeal would allow for several design amendments to the approved scheme which include a larger basement swimming pool area and terrace, a first floor extension on the front elevation, an increase of the height of an existing single storey extension to two storey, amendment of the position of an approved dormer, additional dormers and rooflights and alterations to the roof to allow for a small increase of the ridge height.
14. The appeal property is not listed or mentioned as a building of note within the CAS. The amended development utilises a palette of external materials that reflect both No 66 and other properties within the MHCA. Design features

including decorative barge boards and multi pane timber windows reflect the main body of the house resulting in a cohesive design. The varied heights and unique design of the original roof would have added character and visual interest to the property and its loss is regrettable. However, the increase in height is relatively modest and the resultant uniformity of its appearance does not detract from the character of the host property or the significance of the MHCA to a material degree. Over time the new roof tiles will weather and achieve a similar patina as before.

15. The basement extension is wider and slightly longer than that originally approved. Large scale lower ground floor or basement developments are uncommon on Hadley Highstone. However, the position of the appeal property and the large open garden are also not characteristic of the area. This allows scope for a unique design approach in this particular instance. While this extension is higher than the driveway it remains significantly lower than the main house. Therefore, with due consideration to the previously approved scheme, the appeal development does not include extensions that are overly large to the extent that they dominate the host property or result in overdevelopment of the site.
16. The additional roof light above the basement extension reflects the four originally approved in terms of size and shape. As the green roof is now established the rooflights are inconspicuous and the additional window does not have a noteworthy impact on the appearance of the extension. Further, the green roof as well as established garden trees and soft landscaping merge the basement swimming pool extension with the large and open rear garden. Thus retaining the verdant and open character of the area. In light of these factors the appeal development preserves the character and appearance of the MHCA overall.
17. In conclusion I find that varying the condition would not have a harmful effect on the character and appearance of the host property to the extent that it would preserve the character and appearance of the MHCA. Hence, there would be no conflict with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DM01 and DM06 of the DMP or CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS) . When read together, these policies seek to ensure high quality design in development and to preserve or enhance the character and appearance of Conservation Areas in Barnet. The development is also in accordance with Policies DM15 of the DMP and CS1 and CS7 of the CS which seek to protect the GB and ensure that development adjacent to it does not have a detrimental impact on visual amenity and respects the character of its surroundings. The development complies with CS NPPF of the CS which sets a presumption in favour of sustainable development, and it respects the Framework insofar as it relates to achieving well-designed places and conserving and enhancing the historic environment.

Other Matters

18. Two letters of objection were submitted in respect of the development including one from The Monken Hadley and Wood St Conservation Area Advisory Committee. Concerns regarding the impact of the amendments on the appeal property and the character or appearance of the MHCA are addressed within the reasons section above. Full details of materials to be used for external

surfaces and hard surfaced areas were submitted in order to discharge Condition 3 of the original permission. The submitted plans are sufficient to assess the groundworks associated within the extended basement area.

19. As detailed above the area of the development is not within the GB, this matter is not disputed by the main parties. Based on the evidence before me I have no reason to disagree in this regard.
20. I am aware that the site is proximate to the King William IV Public House and Hadley Highstone which are both Grade II Listed. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving their settings. The historic built backdrop and verdant surroundings of MHCA, of which the appeal site forms part of, positively contributes to their significance. Nevertheless, given the location and extent of the development, I consider that it preserves the setting of these listed buildings and the contribution it makes to their significance. Also, neighbouring properties 72 and 74 Hadley Highstone are locally listed, the position of the appeal property and intervening mature trees and landscaping preserves their setting. I note the Council has no concerns in this regard either.
21. The appeal site is within the Registered Battlefield for the Battle of Barnet. The original permission included a condition requiring the submission of a written scheme of investigation in relation to the archaeology within the site. I note that the appellant discharged this condition. The Council has no concerns regarding the archaeological impact of the development and given the location and nature of the development I have no reason to disagree on this matter.

Conditions

22. Condition 1 of this decision replaces Condition 1 of the original permission and includes the revised drawings. This is necessary in the interests of certainty.
23. In respect of the other conditions on the original permission, Planning Practice Guidance makes it clear that when granting permission under s.73A they should be repeated on decision notices unless they have already been discharged. In this case the Site History section of the Delegated Report indicates that Conditions 3, 4 and 5 have been discharged. Condition 2 of the original permission relates to the time-limit for implementation. As the development has commenced and the above conditions have been discharged, it is not necessary for me to impose these conditions.
24. I have re-imposed Condition 6 in order to ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway. I have also re-imposed Condition 7 to safeguard the character and appearance of the Conservation Area.

Conclusion

25. For the reasons given above the appeal should be allowed.

C Livingstone

INSPECTOR