
Appeal Decision

Site visit made on 3 March 2025

by Matthew Nunn BA BPI LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2025

APP/N5090/Y/24/3347418

361 Nether Street, London, N3 1JN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Stephen Barron against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 24/0148/LBC, dated 15 January 2024, was refused by notice dated 11 March 2024.
 - The works proposed are described as 'removal of part of the internal wall between the kitchen and dining room, between the two existing door openings, to the height of the existing door openings.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The new Barnet Local Plan 2021 to 2036 ('the Local Plan') was adopted by the Council on 4 March 2025. This replaces the previous Core Strategy and Development Management Policies Development Plan Documents. The Council has advised of the equivalent new policies. The parties have been consulted on any consequent implications for the appeal and I have taken the comments received into account.

Main Issue

3. The main issue is whether the proposal would preserve a Grade II listed building, No 361 Nether Street, and any special features of architectural or historic interest it possesses.

Reasons

4. The appeal property is a Grade II listed building located on Nether Street. The list description notes that the building was originally a lodge dating from the early 19th century, comprising 2 storeys with shaped roof slates. There are a series of gables of varying sizes with ornate scalloped bargeboards, and a central group of clustered chimney stacks. The front door, set at an oblique angle, has a wooden gabled rustic porch. The timber casement windows have prominent deep sloping cills, with drip stones over those on the ground floor. The building is mainly finished in white painted render. A new rear extension was added following listed building consent granted in 2019 to replace an

existing addition¹. The extension successfully replicates the style and architectural detailing of the original building and has been carried out to a high standard.

5. The special interest and significance of the building derives primarily from its external appearance, especially its high quality architectural composition and detailing, which externally remains largely intact. Although small, the building is richly decorated and is of an unusual design. The significance also derives from its historic interest serving as a lodge for 'The Elms' or 'Elm Grange', now demolished². Also of significance is the simple internal ground floor layout of the building, comprising a small scale, functional cellular form. The appeal building is prominent and unique in the locality nestling between suburban interwar semi-detached dwellings, as well as some larger Victorian properties, and more modern flats.
6. The proposed works involve the removal of part of the wall which sub-divides the dining room from the kitchen within the rear extension. Originally this was an external rear wall. Although initially there was one doorway within the wall, the Council mentions that an additional one was permitted as part of the 2019 scheme, so that there are now two openings linking the kitchen with the dining room. This was considered a reasonable compromise to preserve original fabric and to allow additional access and daylight to the dining room. On the dining room side, the openings have a wooden architrave surround, whereas on the kitchen side they are chamfered plaster.
7. The proposal is to remove the central area of wall, but only to the height of the existing doorways, combining the existing two openings into a single large one. The precise scope of the proposal is not made clear from the submitted plans, which only show the 'existing' and 'proposed' plan form, rather than the elevational treatment and detailing of the opening. However, the Appellant states that the decorative picture rail (or more accurately plate-rail) above the opening would be retained, together with nibs and the upper part of the wall. This, it is argued, would enable some understanding of the historic form of the building.
8. The removal of part of the existing wall to form an enlarged aperture would result in the loss of some historic fabric. The wall, because it forms part of the original rear elevation of the lodge, contributes to its significance. I agree with the Council that this assists in understanding the building's original plan form, and its partial removal would diminish the historic narrative of the lodge. Furthermore, the creation of a large opening would result in the loss of the original and distinctive small scale cellular layout of the building. It would result in a more 'open plan' layout. Indeed, the Appellant acknowledges that the kitchen and dining areas would effectively become a single room³. Part of the architectural charm and intrinsic character of the building internally is the intimate and small-scale layout.
9. Overall, I find that the removal of part of the wall to create a much larger opening would harm the significance and integrity of this listed building. As

¹ Ref: 19/0101/LBC

² See Ordnance Survey Map 1856, 1894, 1896, Design and Access Statement, page 4-5

³ Paragraph 6.1, Appellant's Statement of Case

such, I consider the special architectural and historic interest of the listed building would not be preserved, contrary to the relevant legislation⁴.

Planning Balance

10. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation⁵. The Framework further advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification⁶. In this case, I find the harm to be less than substantial, but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use⁷.
11. In this case, the Appellant has mentioned the extensive restoration works already undertaken at the property, including the reinstatement of lost features, repairs to the fabric of the building, including the roof and windows and the removal of a poor quality rear extension, and its replacement with a structure of much higher quality. Problems with water ingress, damp and mould have all been addressed. These recent works have without doubt appreciably improved the overall condition of this listed building, and it is clear they have been carried out sensitively and to a high standard. However, as the Council notes, they do not form part of this current application. In my view, harm would inevitably arise because of the loss of historic fabric and layout.
12. I acknowledge the Appellant's desire to widen the opening to suit their personal requirements, including an 'improved living space'⁸ allowing for a larger seating area for family meals, as well as increased daylight to the dining room. It is said that the dining room is 'small' and remains 'dark and unattractive'. However, the room size simply reflects the scale and layout of the lodge, commensurate with other similarly sized rooms within the building. Also, there is a south facing window serving the dining room, and significant daylight can enter this room. Ultimately these works would primarily be for the private benefit of the Appellant, rather than public benefits. The building's current use as a single dwelling, together with the fact that it appears to be in good condition, means that these works would not hold any benefits in securing the building's optimum viable use. Overall, these matters do not constitute the necessary public benefits that would outweigh the identified harm.
13. The relevant legislation requires that, in exercising planning powers in relation to listed buildings, special regard shall be had to preserving the building or its setting, or any features of special architectural or historic interest it possesses⁹. Overall, I find that the scheme would fail to preserve the special architectural or historic interest of this Grade II listed building.

⁴ S16(2) & S66(1) Planning (Listed Building and Conservation Areas) Act 1990

⁵ Paragraph 212 of the Framework

⁶ Paragraph 213 of the Framework

⁷ Paragraph 215 of the Framework

⁸ Paragraph 6.5, Statement of Case

⁹ S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

14. The proposal would conflict with Policy HC1 (Heritage Conservation and Growth) of The London Plan (2021) which states that proposals affecting heritage assets should conserve their significance, and that the cumulative impacts of incremental change from development on heritage assets should be actively managed; Policy CDH08 (Barnet's Heritage) of the Local Plan which states that the Council will ensure that its heritage assets are conserved and enhanced in a manner appropriate to their significance, and where a proposal will lead to less than substantial harm, this should be weighed against the public benefits, including where appropriate securing their optimum viable use; and Policy CDH01 (Promoting High Quality Design) which requires proposals to be of a high architectural quality and respond sensitively to building form.
15. For the reasons above, I conclude that the appeal should be dismissed.

Matthew Nunn

INSPECTOR