



Appeal Decision

Hearing Held on 11 July 2017

Site visit made on 11 July 2017

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 4 August 2017

Appeal Ref: APP/N5090/W/17/3166593

Holmbush Court, Brent Street, London NW4 2NS

- 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 Whetstone Properties Ltd against the decision of the Council of the London Borough of Barnet.
- The application Ref 16/3029/FUL, dated 3 May 2016, was refused by notice dated 7 July 2016.
- The development proposed is erection of an additional storey together with new roof incorporating residential accommodation to provide 7no. new flats.

Decision

1. The appeal is dismissed.

Main Issues

2. These are:

- (i) the effect of the proposal on the character and appearance of the host building and surrounding area; and,
- (ii) the effect of the proposal on the living conditions of the occupiers of No 4 Green Lane, with particular regard to outlook and sunlight.

Reasons

Character and appearance

3. The appeal site is within a residential area of houses and flats. The majority of buildings vary between two and three stories in height and combined with the spacious arrangement of development, create an area with a pleasant residential character that is synonymous with the character of many residential areas in the outlying areas of London.
4. There is a noticeable change in ground levels within the area, particularly along Brent Street which slopes upwards, gradually, from south-east to north-west. Danescroft, south east of the appeal site, is a complex of flats which extends to four stories in height. Given the change in ground levels, the height of this building does not exceed the height of the building on the appeal site; Holmbush Court. Instead, the change in ground levels facilitates a stepping up of roof lines along Brent Street, culminating with Holmbush Court. Further

along Brent Street, towards Ambassador Court, the roof lines regress to a lower level.

5. Holmbush Court is a block of flats that is three stories in height and sits on the corner of Brent Street and Green Lane and at a cross-road. Being on a corner plot, together with the roof line of the building exceeding the height of other roof lines around, Holmbush Court is highly visible. Furthermore, whilst not listed or within a Conservation Area, the building is distinctive architecturally; the shallow pitch of the roof and the curved elevations set the building apart from others within the area.
6. The development would retain the stepping of roof lines when viewed from Brent Street and would have a comparable number of floors to Danescroft. However, the height of the development would result in Holmbush Court being substantially higher than Danescroft and other surrounding buildings. Together with its prominent location, particularly in views looking downhill along Brent Street, the development would appear overly dominant within the street which in turn would have a profound effect on the character and appearance of the area. I appreciate that there is evidence of equally tall buildings within the area, including Ambassador Court, however, these buildings are a distance from the appeal site and therefore have little bearing on the appropriateness of the development in the context of Holmbush Court and its environs.
7. I concur with the main parties that being on a corner plot and at a cross-road, Holmbush Court occupies a position where a building taller than surrounding buildings could be appropriate. Indeed, Holmbush Court in its current form is taller than surrounding buildings and helps to mark the cross-road. However, policies CS5 of the Core Strategy¹, DM01 of the Barnet Development Management Policies Document (DMPD)² and 3.5 of the London Plan³, together with the guidance in the Residential Design Guide (SPD)⁴, seek development that respects and preserves or enhances local context and character. The development would result in a material step change in the building's height which would not be subservient to the scale of surrounding buildings and as a result would be harmful to the character and appearance of the area as identified.
8. The development would elongate the original form of Holmbush Court and as a result would have a notable impact on its character and appearance. However, the form and proportions of the development would take reference from the existing building and therefore would not appear unduly incongruous or out of keeping with the form or scale of the host building to be considered harmful, particularly when there is nothing within the evidence before me to suggest that the building is of architectural or historical significance that warrants protection.
9. Notwithstanding the lack of harm found to the character and appearance of the host building, I have found that the proposal would be harmful to the character and appearance of the surrounding area. The development would therefore be

¹ London Borough of Barnet, Barnet's Local Plan (Core Strategy), Development Plan Document (September 2012)

² London Borough of Barnet, Barnet's Local Plan (Development Management Policies), Development Plan Document (September 2012)

³ The London Plan, The Spatial Development Strategy for London, Consolidated with Alterations Since 2011 (March 2016)

⁴ London Borough of Barnet, Local Plan, Supplementary Planning Document: Residential Design Guidance (October 2016)

contrary to policies CS5 of the Core Strategy, DM01 of the DMPD, 3.5 of the London Plan and the SPD.

Living conditions

10. Adjoining the appeal site is a detached residential property, No 4 Green Lane. Nearest the appeal site the property has windows at ground floor level to living areas. The site has planning permission for the redevelopment of the existing building to create four self-contained units. The new building would be closer to the shared boundary with the appeal site and would have windows at ground floor level to a kitchen/dining/living room and a hall, both of which would face the appeal site.
11. Immediate views from the internal living spaces at No 4 Green Lane, be it the existing property or proposed, would be of the shared boundary. Given the proximity of this boundary to the internal living spaces, the height of the development would not be appreciated from inside No 4. Any increase in the height of Holmbush Court, therefore, would not impact on the outlook from the internal living spaces of No 4 to be considered harmful to the living conditions of existing or prospective occupiers.
12. The proposed development would be parallel with and offset from the existing building at No 4, or if No 4 was redeveloped, would be behind the rear building line of No 4. I have no doubt that the development would be visible from within the garden of No 4 and its elevated position would have a presence. However, given the oblique angle and set back of the development from the garden to No 4, together with its distance above the ground, the proposal would not encroach onto the garden to create any sense of enclosure. Furthermore, as the occupiers are most likely to experience their garden when looking away from the property and down the garden, the development would have little impact on views.
13. The Council's concern regarding sunlight related to the loss of sunlight to the rear garden of No 4 as a result of the proposed development. The shadow diagrams presented at the hearing showed that the development would have a negligible impact on the levels of sunlight into the garden. In the absence of any evidence to suggest otherwise, I find that the development would not have a harmful effect on the living conditions of the occupiers of No 4 with regards to sunlight.
14. Policy 7.6 of the London Plan, policy DM01 of the DMPD and the SPD seek development that does not cause unacceptable harm to local occupiers. For the reasons given I find that the development would not have a harmful effect on the living conditions of the occupiers of No 4 Green Lane, with particular regard to outlook and sunlight and therefore would not be contrary to the policies stated.

Other matters

15. The development would contribute to the Council's need for housing and would be within a moderately accessible location. These are social benefits of the scheme, albeit modest in weight.
16. The appellant questions the Council's ability to demonstrate a five-year supply of deliverable housing sites. The evidence put forward by both parties is inconclusive on this matter. However, even if I were to conclude that there is a

shortfall in five-year supply of the scale suggested by the appellant, and that the relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission, which I have set out above, would significantly and demonstrably outweigh the modest benefits advanced.

17. It was brought to my attention that parking problems exist around the appeal site which the development would exacerbate. Having visited the site at different times of the day it was apparent that there is a competition for parking within the street. However, the evidence before me indicates that the development could be accommodated without causing harm to highway safety. With my observations of current circumstances being just that, and in the absence of any evidence to suggest that local roads could not accommodate the development proposed, I find that highway safety problems are not a justifiable ground on which to dismiss the appeal.
18. Although not a reason for refusal, the Council raised concern that the inappropriate stacking of units would result in noise and disturbance transferring between the more active living areas of the flats and the bedrooms. A condition to ensure that appropriate noise attenuation measures were implemented, should permission be allowed, would be a reasonable means to mitigate the harm identified and therefore this does not form a ground on which to dismiss the appeal.
19. I note the lack of objection to the proposed development from No 4 Green Lane and the limited number of objections from properties elsewhere, however, this does not justify allowing development which is found to be otherwise harmful.

Conclusion

20. I have found that the development would not have an adverse impact on the living conditions of the occupiers of No 4 Green lane, with particular regard to outlook and sunlight. Nonetheless, this would be outweighed by the harm to the character and appearance of the area. I find, therefore, that the appeal proposal would fail to accord with the development plan when taken as a whole. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

R Walmsley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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|-------------------|----------------------------|
| Philip Benoist | CKC Properties Ltd |
| Roger Birtles | Simply Planning |
| Ray Bussell | Worke + Bussell Architects |
| Richard Springett | Simply Planning |
| Geoff Thomas | CKC Properties Ltd |

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|----------------|------------------------------|
| Mike Carless | The London Borough of Barnet |
| Alissa Fawcett | The London Borough of Barnet |
| Joe Mari | The London Borough of Barnet |

INTERESTED PERSONS:

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|------------------|--------------------------|
| Geraldine Fainer | Danescroft, Brent Street |
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DOCUMENTS SUBMITTED DURING THE HEARING:

Document 1 – Sun Study – Existing, Drawing Ref 70034/001; Sun Study – Proposed, Drawing Ref 70034/002.

Document 2 – Appellant's Comments on Barnet's 5 Year Housing Land Supply Position As Set Out In The 2016 Position Statement.

Document 3 – Worke + Bussell Architects, Response to Local Planning Authority Statement.

Document 4 – Enlarged copies of CGI's previously provided in Appellant's evidence.