



Appeal Decision

Site visit made on 30 January 2018

by **Helen Cassini BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2018

Appeal Ref: APP/N5090/W/17/3185754

West Finchley Bowling Club, Dudley Road, Finchley, London N3 2QR

- 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 Higgins Homes against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 17/1290/FUL, dated 1 March 2017, was refused by notice dated 7 August 2017.
 - The development proposed is the demolition of the existing buildings and hardstanding on-site and the erection of 8 No. dwellings with associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has referred to the draft London Plan. While it has reached the publication draft stage, the emerging Plan has not yet been examined and found to be sound. Thus, it could be subject to change. In accordance with paragraph 216 of the National Planning Policy Framework, this limits the weight I can accord it.

Main Issues

3. The main issues are:
 - (i) whether the proposal would lead to the loss of a community facility;
 - (ii) the effect of the proposal on the character and appearance of the surrounding area;
 - (iii) the effect of the proposal on the living conditions of the occupiers of 6 Dudley Road and the neighbouring dwelling known as Al Araf, with particular regard to outlook; and
 - (iv) the effect of the proposal on highway safety, with particular regard to the adequacy of parking provision.

Reasons

Community facility

4. The appeal site was formally leased by West Finchley Bowling Club (WFBC), with the appellant evoking the early break clause in the lease. This resulted in the tenants vacating the site in the summer of 2017. It is noted that WFBC

- made an application for a new lease but due to financial constraints were unable to pursue this further.
5. Both the site, and the land to the south which is also in the ownership of the appellant, was designated as an Asset of Community Value (ACV) in 2013. An ACV is a place or space in a local community which is considered to be important to local residents.
 6. Part (a) of Policy DM13 of The London Borough of Barnet, Barnet's Local Plan Development Management Policies Development Plan Document 2012 (the DMP) states that the loss of community facilities will only be considered acceptable in two exceptional circumstances. The exceptions are 'either or', with the proposal only being required to fulfil one of the exceptions. The first exception is that a new community use of a similar quality or quantity is provided on the site or on a suitable alternative location. The second exception is that no demand for the community use exists and that the site has also been marketed effectively for such a use.
 7. In regard to the first exception of Policy DM13, a new bowling club or other similar community facility is not proposed as part of the development. As noted within the appellant's submitted evidence, a number of bowling clubs exist within a 5 kilometre radius of the site, with many accepting new members. However, no information has been provided in regard of membership criteria or how affordable membership may be at these clubs.
 8. In addition, the closest bowling facility is an approximately 20 minute walk from the site, with the furthest being over an hour away. In regard of public transport, the majority would require a journey of between 35 and 55 minutes. Moreover, none of the bowls clubs are listed within the appellant's table of comparable community uses within 800 metres of the site. As such, it is not considered that the other bowling clubs listed are located within a short distance of the existing facility.
 9. Turning to the second exception, it is recognised that bowling as a nationwide activity has been shown to be in decline, particularly since 2013. It is also not disputed that bowling is an activity generally undertaken by a small demographic of the population. Nevertheless, past members of the WFBC confirmed that up until the termination of the lease the bowls club had a full fixtures list. In addition, WFBC had an active social and playing level of membership, with members living in proximity to the site and also taken from further afield within the Borough.
 10. From the number and nature of the letters of objection submitted in regard of the proposal, and by the listing of the bowling green as an ACV, it is considered that the site is a valued recreational facility.
 11. From observations made during the site visit, it was evident that club house is in need of some general maintenance work. No structural information has been submitted as part of the appeal documentation. However, there was nothing to suggest that the club house or associated outbuildings were beyond repair.
 12. The opinion of an estate agent, experienced in the sale and marketing of investment and development property within the locality, was sought by the appellant. The estate agent confirmed that there has been a previous lack of

demand for Class D1 facilities in the area. As a consequence of this, and the considered poor state of the existing buildings, no marketing exercise was undertaken by the appellant.

13. It is not considered that any substantive evidence has been provided to enable a meaningful assessment of the continuing viability of the site. The only evidence available in this respect is lease related. Moreover, no evidence of effective marketing for the continued use or for another similar community use has been supplied.
14. I am therefore unconvinced that the site is no longer appropriate for a community use. Consequently, the proposal would represent a loss of a community facility, contrary to the aims of Policy CS10 of the London Borough of Barnet, Barnet's Local Plan Core Strategy Development Plan Document 2012 (the CS), Policy DM13 of the DMP and Policy 3.19 of The London Plan 2016 (TLP).

Character and appearance

15. The appeal site is located within a predominately residential area and consists of a bowling green, club house and some small outbuildings. The site is surrounded on 3 sides by residential dwellings. To the south, a mature line of Leyland Cypresses form a boundary to the open land beyond. The planning history on the site is noted, including the 3 appeals which were dismissed¹.
16. The site is privately owned, has no public access and is not designated as open space. It is accepted that the site, due primarily to its open character within an urban setting, has some visual amenity value. However, this value is limited in terms of the character and appearance of the wider area as views of the site are only available from the private residences which back onto the site.
17. The proposal represents a loss of open space within an area defined as being deficient in public open space. However, from both the submitted evidence, and from my own observations, a mix of both public and privately owned green space is available within a reasonable walking distance from the site.
18. The majority of dwellings within the immediate locality are 2 or 2.5 storey terraces or semi-detached dwellings. The proposal consists of 1 and 2 storey dwellings, with the 1 storey dwellings located proposed to be located closest to the boundary with the existing dwellings. In terms of scale, it is not therefore considered that the proposal would interrupt the existing development pattern or appear as overly dominant additions.
19. The proposed design of the dwellings would be contemporary in nature. However, as a result of the varied architectural variations within the locality, the design would not appear incongruous or significantly out of character within the setting.
20. Accordingly, it is not considered that the proposal would be detrimental to the character and appearance of the surrounding area. The proposal therefore complies with the design objectives of Policies 7.4 and 7.6 of TLP, Policies CS1 and CS5 of the CS, Policies DM01 and DM15 of the DMP and guidance contained within the London Borough of Barnet Local Plan Supplementary Planning Document: Residential Design Guidance 2016 (the SPD).

¹ Appeal references APP/N5090/A/07/2046984; APP/N5090/A/10/2131311 and APP/N5090/A/14/2218329

Living conditions

21. Dedicated bin stores are proposed and would be located at two separate locations off the main access footway. With regard to collections, it is understood that future occupiers would be responsible for moving the bins to the collection point, which would be in the lane between 6 Dudley Road and Al Araf.
22. The Council has raised concern regarding the proposed collection location. The concern relates primarily to the potential impact on the living conditions of the occupiers of No 6 and Al Araf and the visual effect on the street scene.
23. Bin collections would occur once a week. As is the case with most residential locations, occupiers are likely to either place their bins at the collection point the night before or early on the morning on collection day. This is a temporary situation and it is likely that the bins would be returned to the bins stores on the day of collection.
24. Currently, the occupiers of No 6 and Al Araf store their wheelie bins at the end of the access lane which leads to the site. This is in the proximity of the proposed collection point for the wheelie bins associated with the development.
25. The weekly collection of refuse, and therefore visibility of wheelie bins, is a common occurrence particularly in urban, residential locations. It is however acknowledged that the proposal would lead to an increased number of wheelie bins at the collection point than currently exists.
26. Nevertheless, the visibility of the bins would be relatively localised in extent and given the temporary nature, it is not considered that this would result in any significant increased harm to the living conditions of the occupiers of No 6 and Al Araf, with particular regard to outlook. Furthermore, no significant harm to the visual amenity of the street scene would occur.
27. Thus it therefore follows that proposal complies with the protection of residential amenity and local character objectives of Policy DM01 of the DMP, Policies CS1, CS5 and CS14 of the CS and guidance contained within the SPD.

Highway safety

28. Access to the site would be derived from the lane between the side elevations of 6 Dudley Road and Al Araf. The proposal is car free and, as such, it would only be pedestrians or cyclists using the access.
29. The analysis of public transport, walking and cycling opportunities illustrates that the location of the appeal site is in a relatively accessible location. Accordingly, access to more sustainable transportation means, other than the car, is available. However it is recognised that, this in itself, would not prevent any future occupiers of the proposal from owning or operating cars.
30. The parking standards set out in Policy DM17 of the DMP require 1.0 to 1.5 spaces per dwelling for 2 and 3 bedroom units. The proposal therefore generates a demand for between 8 and 12 spaces.
31. Dudley Road is located just outside of a Controlled Parking Zone (CPZ). Policy DM17 of the DMP states that residential development may be acceptable with no parking provision, outside of a CPZ, if parking surveys demonstrate that sufficient on-street parking capacity exists.

32. In accordance with the Lambeth Parking Methodology, the appellant commissioned night time surveys which illustrated a parking stress figure of 44% during the night time. Following the concern raised by the Council's Traffic and Development service, additional day time surveys were undertaken. The additional surveys concluded between 30-68 car parking spaces were available within 200 metres of the proposed site. Further spaces were also available beyond the 200 metre radius.
33. It is recognised that my site visit only represents a snap-shot of normal highway conditions or demands for parking. Nevertheless, there were some vacant spaces on Dudley Road and Rosemary Avenue, with Briarfield Avenue providing more vacant spaces. There is no substantive evidence before me which leads me to believe that this was not a valid representation of the availability of parking within the locality.
34. As on-street parking is clearly a feature of the area, local residents and drivers will be aware of the need to give due consideration to parked cars and pedestrians. The existing road layout and speed limit in proximity of the site necessitates this approach in any event.
35. Accordingly, the relatively modest increase in parking demand generated by the proposal development is unlikely to result in any significant change in the approach of drivers or pedestrians. It is also unlikely that the increase in demand would lead to any particular increase in inconvenience to existing residents. The overall situation with regard to demand, or any potential for overspill parking outside Dudley Road, is therefore unlikely to change significantly.
36. Consequently, it is considered that sufficient on-street parking would be available to safely accommodate any increase in the demand for on-street parking. It is therefore unlikely that the proposal would cause significant highway safety problems for vehicle users or pedestrians. Nor, taking into account the potential level and nature of vehicle movements, is it likely that there would be any materially adverse effect on the free flow of traffic.
37. The proposal therefore complies with Policy 6.13 of TLP, Policies CS9 and CS15 of the CS and Policy DM17 of the DMP. When taken together these policies seek, amongst other things, to ensure that new development does not result in a level of car parking which gives rise to on-street parking problems.

Conclusion

38. No harm with regard to character and appearance, living conditions or highway safety has been identified. However, the harm with regard to the loss of a community facility is decisive.
39. Accordingly, for the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR