



## Appeal Decision

Site visit made on 1 October 2019

by **M Heron BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4<sup>th</sup> February 2020

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### Appeal Ref: APP/N5090/W/19/3229368

### Blocks 1-6 Britten Close and Blocks 7-9 Chandos Way, London NW11 7HW

- 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 B&C Crestpearl Limited against the decision of the Council of the London Borough of Barnet.
  - The application Ref 18/3187/FUL, dated 29 May 2018, was refused by notice dated 18 January 2019.
  - The development proposed is described as the 'erection of part 1, part 2 storey rooftop extensions to seven existing blocks to create 19no. self-contained flats, with private amenity space and ancillary gym within Block 7 and external lift shafts to each block. Provision of 21 additional parking spaces, 50 cycle spaces, external children's play space, photovoltaic (PV) panels and upgrading of existing refuse and recycling stores and new landscaping and access arrangements.'
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Council's third and fourth reasons for refusal relate to the absence of a legal agreement to secure agreed contributions towards affordable housing and carbon off-setting. However, a signed S106 Agreement has been received during the appeal and the Council has confirmed that this overcomes its objection in relation to these matters. I am satisfied that this agreement meets the tests set out in the Community Infrastructure Levy Regulations 2010 and I have therefore taken it into account in my decision.

### Main Issues

3. The main issues are therefore:
  - the effect of the proposal on the character and appearance of the host buildings;
  - the effect of the proposal on heritage assets, including the Golders Green Town Centre Conservation Area, the setting of the Hampstead Garden Suburb Conservation Area and the setting of nearby listed and locally listed buildings; and
  - the effect of the proposal on the living conditions of the occupants of the existing flats, with particular regard to access to daylight.

## Reasons

### ***Character and Appearance – Host Buildings***

4. The appeal site comprises nine blocks of sizeable, four-storey, flats positioned within a suburban area of the Borough. These are set in two 'horseshoe' layouts at both Chandos Way and Britten Close to form a large residential estate known as the 'Chandos Way Estate'. The lower sections of the flats are constructed in facing red brickwork. This contrasts with metal cladding used on the top two floors which gives the buildings a distinctive appearance. In addition, the stairwells are encased in brick columns which provide a strong vertical emphasis and add interest to the flats. The uniform height and uncompromisingly modern architectural detailing of the flats are integral components of the design of this unique estate. Such features give the buildings within it a strong sense of rhythm and uniformity.
5. The proposal seeks permission for a series of single and two-storey roof extensions in order to provide 19 more flats and an indoor gym. Not all buildings would be extended in the same way and some would not be extended at all. While this is intended to reduce the visual presence of the scheme, it would create a variance of height between blocks of flats. I consider that this would significantly disrupt their rhythm and uniformity, to the detriment of the unique design of the estate as a whole. The eye would be drawn to this harm by the use of a materials palette which differs from that at the existing flats.
6. The proposal would also add a considerable amount of bulk and mass to the top of the buildings. This would erode the contribution that the existing metal cladding makes to the top of the blocks. In addition, it would diminish the interesting contribution that the brick stairwells make to their verticality. Such harm to the vertical emphasis of the flats would not be mitigated through the inclusion of lightweight curtain walling, ribbons of glazing and balconies.
7. I appreciate that the rooftop extensions would be stepped back from the roof lines and have been designed to be seen as new and distinct elements. However, taking all of the above into account, I am not persuaded that they would relate sympathetically to existing architectural features. On the contrary, the proposed extensions would fail to integrate effectively with the design of the flats and would erode the harmony of development across the estate. This harmful impact would not be particularly apparent when viewed from further afield. However, I consider that the appellant's submitted Visual Impact Assessment has underestimated the visual impact of the proposal from within the estate, from where its harmful appearance would be readily identifiable. This would be so even though the proposed extensions would be viewed in the context of the generous grounds in which the flats are set.
8. For the reasons given, I conclude that the proposal would harm the character and appearance of the host buildings. It would therefore conflict with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (CS) and Policies DM01 and DM02 of Barnet's Local Plan (Development Management Policies) Development Plan Document (DPD). Amongst other things, these promote the highest standards in urban design and seek to ensure that developments respect local context and distinctive local character.

9. Turning to the National Planning Policy Framework (the Framework) this seeks to make efficient use of land by encouraging the redevelopment of previously developed land (PDL). It also states that small and medium sites can make an important contribution to meeting the housing requirement of an area. However, this should not be at the expense of achieving high quality development which adds to the quality of the area. I have found that the proposal would not achieve this. There is therefore conflict with the design objectives of the Framework.

### ***Heritage Assets***

10. From the evidence before me, a small part of the site lies within the Golders Green Town Centre Conservation Area (TCCA). There are also several nearby listed buildings at Reynolds Close and Heathcroft. I therefore have statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the TCCA and to have special regard to preserving the setting of nearby listed buildings. Furthermore, I must also consider the effect of the proposal on the setting and significance of the Hampstead Garden Suburb Conservation Area (GSCA), which bounds the northern and eastern parts of the site.
11. The Framework advises that great weight must be given to the conservation of designated heritage assets. In terms of developments which affect non-designated heritage assets, it states that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.

### ***Conservation Areas***

12. The significance of the TCCA appears to be derived from the interesting and historic architecture and uses of buildings within and around the town centre. These portray the evolution of this part of the Borough. The GSCA is a unique garden suburb development. Its significance as a whole is derived from the successful arrangement of well-landscaped spaces and estates, the aesthetic quality of individual buildings and the historic use of these buildings as accommodation for industrial workers and the middle classes.

### ***Setting of Listed Buildings***

13. Heathcroft and Reynolds Close are housing estates to the north of the appeal site. They fall within the boundary of the GSCA and accommodate Grade II listed buildings. The architectural quality and historic use of these buildings contributes to their significance. However, given an established tree belt separates them from the appeal site, their settings can only be experienced to a limited degree from within the appeal site.

### ***Locally Listed Buildings***

14. There are also a number of locally listed buildings along Wellgarth Road to the east of the appeal site. These non-designated heritage assets are also within the GSCA and their significance appears to derive from their varied and interesting architectural composition. Their settings are mainly experienced from along Wellgarth Road.

### *Assessment*

15. As only a small part of the landscaping at the site lies within the TCCA, I find that the appeal site makes a neutral contribution to the character and appearance of this conservation area. Given that the appeal site is well-contained by established trees at its boundaries, and as it appears to have always been outside of the GSCA, I also find that it makes a neutral contribution to the setting of this conservation area and to that of the nearby listed and locally listed buildings within it.
16. The listed buildings at Heathcroft and Reynolds Close are mainly experienced from Hampstead Way, from where views of the appeal site are largely restricted. The appeal scheme would not result in the loss of established trees which separate the site from these buildings. Moreover, the flats at the appeal site are set back from the northern site boundary and the proposed development would not extend over the northernmost section of Block 7. The positioning and scale of the development would therefore not inappropriately compete with listed buildings at Heathcroft and Reynolds Close. Taking these factors into account, I am satisfied that the proposal would not result in harm to the setting of the adjacent listed buildings within the GSCA.
17. Turning to the non-designated heritage assets along Wellgarth Road, the flats at the appeal site are set back from properties along this road and are separated from them by trees. Furthermore, no development has been proposed at Blocks 3 and 4 at Britten Close and only a single storey roof extension would be constructed at Block 2 at Britten Close. This would ensure that flats close to Wellgarth Road would not inappropriately compete with properties along this road in terms of scale. Consequently, I find that the scheme would not detrimentally impact upon the setting of non-designated buildings at Wellgarth Road
18. Accordingly, and given that the scale of the proposal would be consistent with some of the higher density flatted developments within the GSCA, the scheme would not harm the setting or significance of this conservation area. Furthermore, only additional landscaping has been proposed within the section of the site which falls within the TCCA. In my view this is unlikely to notably enhance the character or appearance of the TCCA. However, it would ensure that the proposal did not result in any material harm to this designated heritage asset.
19. Taking everything together, I conclude that the proposal would not be harmful to the significance of the TCCA and its character and appearance would be preserved. It would also not result in harm to the setting of the GSCA or that of the listed and locally listed buildings within it. The proposal would therefore accord with Policy CS5 of the CS and Policy DM06 of the DPD. Amongst other things, these seek to protect and enhance Barnet's heritage assets, including conservation areas, listed buildings and locally listed buildings, in line with their significance.

### *Living Conditions*

20. The evidence before me shows that there would be a total of 237 rooflights across the estate which would be affected by the scheme. 22 of these serve habitable rooms. In line with the CS, for the purposes of this assessment I consider that a habitable room is a room within a dwelling, the primary purpose

of which is for living, sleeping or dining. This does not include kitchens smaller than 13sq.m in area. My approach in this regard is supported by a previous Inspector<sup>1</sup>.

21. The proposal would result in the loss of the 22 rooflights mentioned above. However, all of these are secondary light sources. Consequently, I am not persuaded that their removal would significantly diminish the living conditions within the habitable rooms they serve in terms of access to daylight. I also note that 49 rooflights within kitchens smaller than 13sq.m in size would be removed. However, they would be replaced by sun-tunnels which would provide access to some daylight within these rooms. In any event, these smaller kitchens constitute non-habitable rooms and it is unlikely that existing occupants would spend a significant amount of time within them compared to other, larger, rooms. I am therefore satisfied that the removal of the rooflights within them would not unacceptably diminish living conditions at the flats.
22. The scheme would also result in the loss of a number of rooflights which serve stairwells and circulation spaces within the flats such as hallways. However, these are transitional spaces and I am satisfied that they could be lit by artificial means without significantly comprising the living conditions of the occupants within the flats.
23. For the reasons given, I conclude that the proposal would not result in unacceptable harm to the living conditions of the occupants of the existing flats in terms of access to daylight. It would therefore accord with Policy DM01 insofar as it seeks to ensure that developments retain adequate daylight for adjoining users. It would also accord with the Framework insofar as it seeks to preserve a high standard of amenity for existing users.

#### *Other Consideration*

24. I note the concerns of local residents and the appeal statement that has been submitted on their behalf. However, none of the matters raised by any third party has altered my conclusions in relation to the main issues above.

#### **Planning Balance**

25. The Government is seeking to significantly boost the supply of housing. The proposal would utilise PDL to deliver 19 dwellings in an accessible location. This contribution to the Council's housing stock would result in social benefits. These include the provision of three-bedroom homes for which there is an identified need in the area and the construction of a new children's play area at the site. There would also be economic benefits through construction and occupation. Although no affordable housing would be provided within the scheme, the contribution made towards affordable provision elsewhere in the Borough would also be beneficial. These social and economic factors weigh moderately in the scheme's favour.
26. I have found that the proposal would not result in harm to designated and non-designated heritage assets. Neither would it result in unacceptable harm to the living conditions of the occupants of the existing flats in terms of access to daylight. It would also be acceptable in other respects. For example, it would reduce carbon emissions through the introduction of photovoltaic panels at the site and would provide suitable financial contributions towards carbon off-

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<sup>1</sup> Ref. APP/E5900/W/17/3171437

setting. However, these are requirements of the development plan and are therefore neutral factors in the overall planning balance.

27. On the other hand, I have found that the scheme would result in significant harm to the appearance of the flats and to their collective rhythm. It would therefore fail to fulfil the environmental objective of sustainability within the Framework which seeks to ensure that developments contribute towards protecting and enhancing the built environment. In my view, the need for additional housing is not a sufficient justification for allowing a development that would fail to integrate satisfactorily with the existing Chandos Way Estate.
28. These factors lead me to conclude that the adverse effects would outweigh the benefits associated with the provision 19 dwellings. The proposal conflicts with the development plan and there are no material considerations, including the advice of the Framework, which outweigh this conflict.

### **Conclusion**

29. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*M Heron*

INSPECTOR