



## Appeal Decision

Inquiry opened on 5 July 2021

Site visit made on 13 July 2021

**by Paul Jackson B Arch (Hons) RIBA**

an Inspector appointed by the Secretary of State

**Decision date: 30 September 2021**

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**Appeal Ref: APP/N5090/W/21/3271077**

**679 High Road, North Finchley, London N12 0DA**

- 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 Taylor Wimpey UK Ltd against the decision of the Council of the London Borough of Barnet.
  - The application Ref 20/3823/FUL, dated 5 August 2020, was refused by notice dated 5 March 2021.
  - The development proposed is demolition of the existing building and redevelopment of the site to provide 307 homes in a series of buildings up to nine storeys, car parking, cycle parking, hard and soft landscaping, and associated facilities.
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### Preliminary matters

1. The Inquiry opened on Monday 5 July and sat for 5 days in virtual format. A preliminary site visit of the surrounding area was carried out on Tuesday 29 June and an accompanied visit to the site and relevant viewpoints was made on Tuesday 13 July. Written closing remarks from the Council and the Finchley Society were received on 9 August 2021 and from the appellant on 13 August. The Inquiry was closed in writing on 20 August 2021.
2. The Revised National Planning Policy Framework (NPPF) was issued on 21 July 2021. The main parties were given the opportunity to incorporate any comments in their closing submissions and these have been taken into account.

### Decision

3. The appeal is dismissed.

### Main issues

4. The main issue is the effect of the proposed development on the character and appearance of the area. The Council also refused planning permission on the basis that a S106 Agreement had not been completed covering affordable housing and other matters. A signed and dated S106 Unilateral Undertaking (UU) was subsequently submitted which I address later in this decision. A secondary issue which arose during the course of the appeal relates to whether the local planning authority can demonstrate a 5-year supply of housing land, as required by the NPPF.

## **The site and surroundings**

5. The site of about 1 hectare comprises a former Homebase store with associated car park. It was built just before the turn of the 21<sup>st</sup> century on the site of the 1905 North Finchley tram depot, subsequently a trolley bus and bus garage, which closed in the 1990s. The area around the tram depot was largely built out with terraced and semidetached dwellings before 1936. Terraced Edwardian dwellings line Rosemont Avenue on the north side of the site and streets to the south and west contain mainly semi-detached houses, though Christchurch Avenue has more recent 4 storey flats facing the site at its eastern end. There are also later residential terraced houses in Woodberry Grove facing the western boundary.
6. North Finchley town centre lies to the north of the site and contains 2 notable and conspicuous tall buildings of 9 storeys (707 High Road, formerly Finchley House, now Flint Court) and 16 storeys (The Arts Depot, providing a variety of spaces for drama, dance and visual arts as well as residential) grouped around the historic road junction where the A598 Ballards Lane diverges from the A1000 High Road (Great North Road) towards Islington. The 2.5 storey Finchley Mosque adjoins the site at its north east corner and benefits from planning permission for a substantial extension mainly on the southern side.

## **Reasons**

### *Policy background*

7. The development plan for the area includes the London Plan of 2021 (LonP) and the Barnet Core Strategy (CS) and Development Management Policies (DMP) of September 2012. Barnet's replacement 'Local Plan Reg 18 Preferred Approach' was approved for consultation on 6 January 2020. Due to its current stage in the process towards adoption it can only attract limited weight.
8. North Finchley is one of the four priority town centres in the Borough promoted in the CS as a main focus for commercial investment and residential growth. It notes that priority town centres are locations for existing tall buildings which have contributed to their visibility and importance as service centres and places with high levels of public transport accessibility. Development Management Policy DM05 – *Tall Buildings* sets out a criteria-based approach for assessing proposals for tall buildings and Policy CS5 identifies North Finchley town centre as a potential location where they may be appropriate. CS policy CS6 seeks to promote the town centres whilst ensuring that new development is of an appropriate scale and character for the centre in which it is located.
9. The Supplementary Planning Document (SPD) North Finchley Town Centre Framework (TCF) of 2018 provides specific guidance on interpreting and implementing Barnet's Local Plan policies in supporting the potential for future growth and to manage anticipated change. In conjunction with this, Barnet's Tall Buildings Study (TBS) of 2010 and its subsequent review and update of 2019 (TBSU) provide advice on where tall buildings (defined as 8-14 storeys) have been developed, where others are planned and the opportunity for new locations to be identified.

### *Character and appearance*

10. Barnet's Characterisation Study of 2010 (CSB) is of some age but is a helpful guide to urban character and local distinctiveness. The existing Homebase store is designated as 'box development' typology, typically of a large scale with associated car parking and little relationship to surrounding streets. North Finchley town centre forms a separate typology of older urban fabric with a fine grain. The boundary of the town centre is set out at figure 4 of the TCF and excludes the appeal site and Rosemont Avenue to the north. The residential street primary typology surrounds the appeal site. The town centre boundary is not adjacent, but just touches the appeal site at the north eastern corner where shops at 634-636 High Street face the adjoining Finchley Mosque.
11. The primary residential streets typology is subdivided into secondary typologies. The appellant and the Council are in broad agreement on the characterisation of the surrounding streets as being 'urban' rather than 'suburban'. However the scale of the proposal is such that it would be seen from further away. I agree with objectors that large parts of streets to the south and west of the appeal site (Woodberry Grove and Way, Christchurch Avenue), designated in the CSB as 'urban terrace' mainly consist of semi-detached houses with hipped roofs and generous rear gardens, largely indistinguishable from development on the east side of the High Road (such as Sandringham Gardens, Addington Drive and Kenver Avenue) designated as 'suburban' (TCA 1 and TCA 2 in the appellant's Townscape Study, excepting Rosemont Avenue). The dividing line between sub-typologies is necessarily area based and hard to pin down, but the sense of homogeneity that links contemporary development of much of the area west, south and east of the tram depot in the early 20<sup>th</sup> century is clearly perceivable. Post-war development along the High Road and at the east end of Christchurch Avenue of greater scale (TCA 4 in the townscape study) does not diminish this. Moreover, the character of the area is very much influenced by attractive small scale domestic features and details typical of the 'suburban' period such as carved bargeboards, stained glass, oriel and bay windows and 'tudor' gables.
12. On the other hand, there can be no dispute that terraces in Rosemont Avenue fall in the secondary typology 'urban terrace' along with Churchfield Avenue opposite the Mosque and other streets close to the town centre such as Lambert Road and Dale Grove. The upshot of this is that the site lies in an area of broadly homogenous character consistent with mainly low-rise development of domestic scale. Although on the southern edge of the town centre, the 2 tall buildings there do not impact to any extent on the dynamic experience of local occupiers using their gardens and streets, except perhaps where they are directly in the line of sight, such as from north facing rear gardens in Rosemont Avenue (about 16-18 dwellings at most) and in views along the High Road and Ballards Lane looking north. Tall urban development in the town centre is clearly visible from the appeal site car park but does not form a significant part of, or contribute in any appreciable way, to the character of the majority of the residential area around the appeal site. As such the surrounding low to mid-rise residential area is sensitive to change.
13. In this immediate context, tall buildings as high as 9 storeys would appear starkly out of keeping, the more so on Christchurch Avenue where the 2 central 9 storey blocks C and D would flank a vehicle access and due to the sloping ground, would present as nearer 10 storeys with the lower ground car parking

podium level. The visual impact would be only partly relieved by some single aspect maisonettes and the bulk of the scheme would dominate views from the street and from dwellings and gardens opposite (Viewpoint 5). The variation in height of the 5 tallest blocks seen from the High Road and from Woodberry Grove and the rest of Christchurch Avenue would do little to mitigate for the overall bulk. Moreover, the limited distance between the blocks would mean that anyone walking along Christchurch Avenue would have a curtailed perception of houses and gardens beyond the scheme to the north and limited opportunity to appreciate the relationship between the scheme and the taller buildings at the centre of North Finchley, which would be about 170m away. The lack of visibility of the 'podium gardens' from Christchurch Avenue would further add to the development's stark appearance.

14. The visual impact of the scheme is graphically illustrated in the Townscape Study at Figure 5 which, notwithstanding intervening walls and vegetation, indicates the potential effect on the surrounding low-rise environment and the skyline. The scheme would be prominent in views along Hutton Grove, Christchurch Avenue (Viewpoint 6) and Churchfield Avenue outside the context of the North Finchley town centre group. The increased prominence of the built form along adjacent streets would not just be local but would be apparent from a wider area.
15. In Viewpoint 9 of the Townscape Study (Rosemont Avenue), it is apparent that residents on the south side of the road would directly face the highest 9 storey elements of the development and residents on the north side would see these blocks high above over the roofs of those on the south side. In the Townscape Study assessment of this photomontage, in contrast to others, residents are not recorded as receptors, despite their dwellings being within about 22-27m of the 9 storey elevations and their gardens closer. The sections submitted late in the Inquiry<sup>1</sup> also illustrate the degree of change. The wall of the existing Homebase store is rightly acknowledged as a detractor, but this is at the western end of the road and the replacement 4/5 storey blocks F and G would represent an improvement in townscape terms, at the cost of some loss of winter sunlight for the occupiers of Nos. 34-40.
16. Finchley House is about 29m away from the nearest dwelling in Rosemont Avenue and that is the 5 storey element. The 9 storey part is indirectly viewed from houses but is visible above the roofs from the footway. It does not unduly impact on the fine grain character of Rosemont Avenue but lies in the background. In stark contrast, blocks B, C and D of the appeal scheme would be overbearing and would overwhelm the scale and grain of Rosemont Avenue along most of its length. They would be constantly visible on passing along the road. They would not be seen in the context of the tall buildings in the centre but would represent a fundamental change of character in a completely different direction. The repetitive fenestration of these blocks would make the massing more prominent. Even taking into account the improvement at the western end, the significance of the visual effect would represent a moderate-major level of harm.
17. Turning to tall buildings guidance, 7 'clusters' of varying height are identified in the TBSU at pages 38/39 within the historic 'corridor' along the Great North Road passing through the Borough. North Finchley and Whetstone are

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<sup>1</sup> Inquiry Doc 9, CD 9.1

identified as suitable for tall buildings of 8-14 storeys, based on the character of the area, proximity to town centres and public transport accessibility. The appeal scheme would fall within the elliptical line on the plan, but would be visually distinct from the Arts Centre and Finchley House group at the centre of North Finchley. The site does not fall within any of the 3 Key Opportunity Sites identified in the TCF as suitable for sensitively designed tall buildings and referenced in the TBSU. Additionally, they would be seen as a compact group of parallel slabs with substantial combined bulk, very different from the existing tall buildings. As such they would not respond well to the existing grain of the town centre or be well integrated with the predominantly low to mid-rise pattern in the area.

18. LonP policy D3 requires optimisation of site capacity through a design-led approach whilst 'enhancing local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions' and responding to 'the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character' amongst other things. These aims are in concert with LP policies and the objectives for good design set out in the National Design Guide (NDG).
19. LonP policy D9 on tall buildings sets out criteria to be considered including C (1) ii which notes that 'mid-range views from the surrounding neighbourhood – particular attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, proportions and materiality' and iii: 'Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy'. The LonP further defines optimisation as 'coordinating the layout of the development with the form and scale of the buildings and the location of the different land uses....' Paragraph 3.3.7 explains that development should be designed to respond to the special characteristics of the distinctive features of a place which can include: predominant architectural styles and/or building materials; architectural rhythm; distribution of building forms and heights. The proposed development responds poorly to the prevailing scale and grain of the surroundings, overemphasises the contribution made to character by tall buildings in the town centre and underplays the effect of the proposal in terms of height and bulk. Positive impacts of the proposal on the High Road and at the western end of the scheme are seriously undermined by the overpowering visual impact of the higher blocks which would have limited space between them, creating an impression of unredeemed mass, quite out of place in an area of fine grain low to mid-rise residential development.
20. The Finchley Society refer to the reduction in daylight and sunlight, particularly in winter, that would be experienced by occupiers of properties in Rosemont Avenue, mainly due to the height of blocks B and C. The appellant acknowledges that the effects would exceed the BRE guidelines in some cases but points out that in the context of the appeal site, currently comprising a low-rise retail unit and a large open car park in a brownfield location in an urban area, such consequences are to be expected. The NPPF expects a flexible approach which does not inhibit making efficient use of a site. Whilst the



resulting living standards in Rosemont Avenue would not be unacceptable following this line of guidance, they would represent a significant and noticeable deterioration in amenity which would be out of character in any low/mid-rise residential area outside a town centre and would represent a dramatic change here. Furthermore, paragraph 71 of the NDG indicates that proposals for tall buildings require special consideration. It has not been explained why it has not been possible to optimise density whilst at the same time better resolving this environmental impact. The effect on daylight and sunlight on occupiers of south facing houses and gardens adds weight to the suggestion that the scheme would be too high and bulky.

21. Turning to separation between the proposed blocks, there are instances where flats would face each other across a distance of less than the minimum standard of 18-21 metres set by the Mayor of London in the 2016 Housing SPG; and in most cases less than the Council's minimum standard of about 21m. Projecting balconies further reduce the distance between opposing units. Staggering the living areas of flats is no answer to the difficulty of avoiding a direct view into bedrooms, which are habitable rooms. Many flats would be single aspect in practice (I give little weight to the idea that a side window onto an adjacent balcony works to provide a 'dual aspect') and many future residents would only have a view of other people's windows to contemplate, especially from deeper within a unit. There would be a clear perception of overlooking if not an obvious invasion of privacy in some cases, based on the minimum standards in policy guidance. Again, whilst not necessarily unacceptable in adopting a 'flexible' approach, the consequences of the balance struck to achieve optimisation would be a demonstrably poor outcome in terms of living conditions and character and appearance.
22. The lack of any significant articulation in the fenestration of the highest blocks beyond projecting or recessed balconies (the 'mansard' upper level having been omitted in design development) would not help to relieve the unremitting and repetitive appearance of these elements. In contrast, the 4, 5 and 6 storey blocks facing the High Road, Woodberry Grove and Rosemont Avenue would be significantly more sympathetic in scale to the surroundings, helped by gable ends, proportionate detailing of brickwork panels and an active street scene.
23. The SPD area extends beyond the town centre boundary 'in order to facilitate and support the regeneration of the town centre'. The southern and northern gateways are indicated to be important elements in securing the town centre's future improvement and the southern 'gateway' includes the appeal site and residential development in Rosemont Avenue. However the town centre boundary is drawn carefully around the rear of Finchley House, now Flint Court, coinciding with the back gardens in Rosemont Avenue, which is where there is a strong sense of character change. The TCF acknowledges this at paragraph 6.29, where scale and massing advice for Key Opportunity Site 3 (Finchley House) suggests a tiered building decreasing in height towards south and west where there is existing residential. Whilst the TCF identifies potential for public realm and gateway improvements as well as intensification on the edge of the town centre, the site does not fall into any of the Key Opportunity Sites, locations where tall buildings could be appropriate. Even in the KOS areas, the TCF emphasises the importance of respecting height, scale and surrounding context and the need to transition sensitively. The combination of intensively developed blocks of 4, 5, 6, 8 and 9 storeys with a prominent podium would present a strongly discordant element. It would not integrate well with the

- existing urban fabric and would not, except in two distinct locations, add to the overall quality or be sympathetic to the character of the area.
24. To summarise, the minimal space between flats (at the limit of acceptability according to the Mayor's 2016 Housing SPD at paragraph 2.3.36) the flexible interpretation of 'dual aspect' (essentially a bay window, and still difficult to ventilate naturally) the long internal corridors necessary to achieve the development potential desired, the screening necessary to prevent overlooking between flats and the poor ground level 'dead' façade of the higher blocks, comprising mostly bin stores, plant rooms and cycle stores facing the central pedestrian walkway all combine to reinforce the impression of a very high level of density that would be unacceptably out of character.
25. The NDG advises that a well-designed place comes about through making the right choices at all levels, including, inter alia, the form and scale of buildings. It says (paraphrasing from paragraph 43) that 'well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including... patterns of built form, to inform the layout, grain, form and scale; the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development....' It has not been shown that the appeal scheme meets these important criteria which support one of the overarching objectives of the NPPF which is to foster well-designed, beautiful and safe places.
26. In conclusion, the development would conflict with the townscape and design quality aims of LonP policies D3 and D9, CS policy CS05, and DMP policies DM01 and DM05, as well as emerging policies and relevant guidance in the NPPF and NDG.

#### *Housing land supply*

27. The LonP requirement over 5 years is 11820 dwellings. The parties are agreed that the overall 5 year requirement is 14321 dwellings, taking into account previous shortfalls and the applicable buffer. The extent of the shortfall in the last plan period between 2016/6 and 2019/20 amounted to 1199 dwellings. The delivery of affordable housing has fallen and is significantly below target<sup>2</sup>.
28. The Council currently claims it can demonstrate a 5 year housing land supply (5YRHLS) of 14888 dwellings, equivalent to 5.2 years supply, a decline from 5.3 years according to the figures presented in evidence at the start of the Inquiry. The difference between 5.2 and 5 years amounts to around 568 new dwellings. The appellant assesses the supply position at 4.06 years at best.
29. The NPPF advises at Annex 2 that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. I accept that about 12173 dwellings of the Council's supply benefit from an extant planning permission or prior approval and that these are deliverable within 3 or 5 years, according to the NPPF definition, amounting to about 85% of the requirement. I do not accept, on the balance of probabilities, the appellant's position that predicted rates of delivery at

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<sup>2</sup> 29% of its strategic target in the last 3 monitoring years (GLA Planning Report GLA/6640/S2 CD7.4)

category 'A' sites Millbrook Park or the Peel Centre, given that they are ongoing apartment projects by major developers, are likely to fall as low as predicted by the appellant, even though these are higher than are typical for developments in neighbouring boroughs. I find the Council's assessment of 368 dwellings per annum (dpa) on small sites as somewhat optimistic, given the number of completions between 2012 and 2017 falling as low as 221 dpa. Choosing any fixed period carries the risk of distortion, but on balance I find the appellant's suggestion of a 10 year average to be compelling, given that the average for the last 3 years was 391 dpa and recognition that small sites vary with economic cycles. This results in a deduction of 179 dwellings from the 5YRHLS.

30. It was not appropriate to carry out an in-depth site analysis during the Inquiry, which relied on a 'round-table' session for this issue and confined the discussion to general principles and typical examples. The parties co-operated in preparing a discreet statement of common ground which together with detailed rebuttal proofs, provided the opportunity for concessions and refinement of the picture.
31. The majority of the remaining developments relied on by the Council (2715 units) are challenged by the appellant. Many of these sites only have outline planning permission or are identified in the emerging Local Plan which has just completed consultation and is at 'Reg 19' stage and no planning application has yet been made. On some sites, planning permission has lapsed and there can be little certainty in terms deliverability. At Whalebones Park (149 units) for instance, the Council refused permission and an appeal (undefended except on S106 grounds) is in progress. It is unclear that all of the dwellings claimed would be delivered within the plan period.
32. Importantly, 3 major sites planned for delivery of around 927 dwellings within the plan period present particular difficulties in terms of clear evidence. The Army Reserve Depot may be promoted by the MoD and on an edge of town centre location but is a Reg 19 site and remains occupied by the MoD. No application for planning permission has been made and it does not clearly meet the criteria for deliverability. At 811 High Road and Finchley House (north of the appeal site) 334 (or 335) the buildings are currently occupied, or in the case of Finchley House, already converted to residential use under permitted development rights. A development partner has withdrawn due to land ownership issues and the ongoing effects of the pandemic and whilst a new partner is on board, there must be a degree of caution regarding the anticipated level of completions. The appellant also draws attention to Broadway Retail Park where at the time of the Inquiry, no decision had been made on a long-standing application for outline planning permission for 400 homes. The site is currently a functioning retail park and subject to significant objections. Delivery is in any case programmed for towards the end of the plan period. No appreciable reliance can currently be attached to this significant site.
33. Of the remaining sites in dispute, I find as follows (numbers refer to Council reference):
  18. Edgware Hospital:86 units, application submitted: no restrictions: reasonable prospect.
  193. West Hendon Estate: 81 units: delivery ongoing by Barratt: reasonable prospect.



203. Finchley Memorial Hospital: 130 units: resolution to grant consent: evidence of delivery: reasonable prospect.
11. Church Farm Leisure Centre: 12 units: vacant site, being marketed: no constraints: reasonable prospect.
59. East Barnet Library: 12 units: vacant: no constraints: reasonable prospect.
72. Bobath Centre: 25 units: evidence from developer aiming for completion 2023: reasonable prospect.
74. East Finchley substation: 23 units: derelict brownfield site: reasonable prospect.
110. Brentmead Close: 46 units: evidence from TfL: reasonable within 5 years: temporary occupation by synagogue: reasonable prospect this will come forward.
- 117,119,121,124. Hendon Hub: 189 units: G L Hearn confirm planning applications expected summer 2021: reasonable prospect.
165. Woodside Park Station: 95 units: brownfield site: 5 year timeframe realistic: reasonable prospect.
200. Former Barnet Mortuary: 20 dwellings: site owned by developer but no consultation: No certainty of delivery for housing.
115. Land adjacent Northway and Fairway Primary School: 120 units: lapsed planning permission: No further assurances: reasons for lapsed consent uncertain: Beechwood Avenue reputation not a reliable indicator: no firm commitment.
156. Kingmaker House: 61 units: works commenced under prior approval and permission granted for rear extension: reasonable prospect.
162. Barnet House: 139 units: evidence of immediate application and previous prior approval of conversion of former Council premises: reasonable prospect.
181. Central House: 48 units: lapsed prior approval: uncertain reasons: no certainty of delivery.
34. Of the above, and adding Whalebones Park, 337 dwellings are considered not to show a reasonable prospect of delivery. Adding these to the 927 dwellings referred to in the previous paragraph 31 above indicates that 1264 units should be removed from the Council's figure of 14709 units (adjusted above for small sites, paragraph 30) resulting in a supply of 13445 units, equivalent to 93.8% of the requirement or about 4.7 years.
35. A degree of uncertainty always attaches to delivery from any development site. However, the difficulties associated with those sites highlighted above indicate that on the balance of probabilities, the Council has not provided clear evidence that there is a realistic prospect of sufficient completions occurring within 5 years in order to meet its 5YRHLS requirement. Its most recent record on completions does not inspire confidence. Whilst the 5YRHLS shortfall is not as serious as the appellant suggests, it remains significant. The appeal proposal represents a appreciable contribution which moreover provides affordable housing where the Council has a particular need.

## Other matters

36. A S106 UU has been provided with the objectives of providing various benefits including affordable housing and viability review, a Travel Plan, a car club, car free development with associated Traffic Management Order contribution, highway works, a carbon offset payment, measures to mitigate for any effects on TV reception and commitments to use reasonable endeavours to use local labour and suppliers. I consider that the provisions of the S106 are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make it acceptable. They meet the tests set out in Paragraph 57 of the NPPF and Regulation 122 of the CIL Regulations (2010). I conclude that the requirements of Regulation 123 and Planning Policy Guidance (PPG) have also been satisfied. Were I otherwise minded to allow the appeal, the S106 would attract significant weight.
37. The retail unit (Topps Tiles) on the corner of Christchurch Avenue and the High Road is a locally listed (non-statutory) building. The prominent position of this building on a corner indicates that its heritage significance would remain easily appreciated and would not be significantly affected by the appeal proposal.
38. I have had regard to the submissions regarding the effect on users of the mosque extension in terms of privacy and the impact in terms of character and appearance. Whilst the mosque extension would be lower and smaller in scale than block A of the proposal, it would remain architecturally distinctive because of its form and purpose. There would be no unacceptable effect on its character and the introduction of higher buildings in this part of the High Road would be appropriate. Windows in the flank wall of nearby blocks would mainly be to kitchens and secondary living room windows and would be far enough away from the mosque to avoid an unacceptable impact on privacy.

## Conclusion

39. Residential use would be entirely appropriate on this site lying close to a town centre. The gateway to the town centre would be appropriately marked along the High Road with a 6 storey block next to the new mosque extension. The element towards the end of Rosemont Avenue would relate positively to the street scene and would not be unacceptably out of scale in the area. The addition of 307 new dwellings would make a significant contribution to meeting housing need in Barnet including much needed affordable units<sup>3</sup> and this attracts very significant weight. The redevelopment for housing for a brownfield site that would enhance the viability and vitality of North Finchley also attracts weight, though benefit would also occur with a less dense scheme. The new housing would be reasonably well served by public transport and would be close to a town centre and local facilities. Limited weight also attaches to CIL payments, the New Homes Bonus and construction employment.
40. However, the design of the scheme under-estimates the sensitivity to change of the largely homogenous low/mid-rise urban terrace and suburban areas around it. In this respect the site is not comparable to the site referred to in the Tesco New Malden decision<sup>4</sup>. The overall degree of change would be medium/high but there would be very high impacts caused by, in particular, the 8 and 9 storey blocks seen from Rosemont Avenue and from Christchurch

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<sup>3</sup> 35% by habitable room

<sup>4</sup> APP/T5720/W/20/3250440

Avenue and other places. A high to moderate level of harm would result. The combination of barely acceptable distances between flats facing each other, the need for some privacy screens and obscured glazing, the internal corridors, the lack of effective natural cross-ventilation in many flats, the acknowledgement of appreciable detrimental effects on the amount of daylight and sunlight received by occupiers in Rosemont Avenue, and the poor quality of experience for those using the main shared pedestrian access through the site, all support the contention that the scheme is intended firstly to maximise dwelling capacity. Whilst that may often be an appropriate aim, it cannot be justified at the cost of an unacceptable level of harm to the character and appearance of the surrounding area, which would pertain for many years. National and local development plan policy at all levels emphasises the need to respond to a site's context and to respect local distinctiveness. At the Inquiry, it was suggested that the character of the surrounding residential streets had been taken into account as a constraint but the appellant failed to offer persuasive justification for the approach which led to the solution adopted. In particular, the identified potential for height took insufficient account of the 'sensitive residential adjacencies' at Rosemont Avenue and failed to address local concerns on density and height firmly expressed in consultation. The scheme fails overall to provide a form, scale and massing solution that would integrate successfully into its surroundings. Change is inevitable- but the tallest blocks in this scheme would be a step too far.

41. It has not been convincingly demonstrated that Barnet has a 5 year supply of housing land. Paragraph 11(d) of the NPPF says that when the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The significant shortfall in affordable housing completions is also relevant to the overall planning balance. The Government has stated that the design quality of new development is too often mediocre and that systemic change is needed to ensure design and beauty is a core part of the planning process. The NDG and reforms to the NPPF further place emphasis on granting permission for well-designed buildings and refusing it for poor quality schemes. The NPPF advises that it is especially important that where there is a shortage of land, developments make efficient use of land and avoid homes being built at low densities, making optimal use of the potential for sites. It is also necessary to ensure that beautiful and sustainable places are created, and the NPPF notes the importance of area-based character assessments in pursuing this goal. The appeal proposal maximises the potential for densification and in doing so fails to respond appropriately to the Council's own character assessment or up-to-date guidance in the TCF and the TBSU. The detrimental effect on townscape character of the tallest blocks B, C and D would be so great as to significantly and demonstrably outweigh the benefits the scheme would bring.

42. For these reasons, the appeal must be dismissed.

*Paul Jackson*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Edward Grant

Of Counsel

He called

Phillip Hughes BA (Hons)  
MRTPI FRGS Dip Man MCMI

PHD Chartered Town Planners

Hardeep Ryatt BA (Hons)  
DipTP MRTPI

Principal Planning Officer

James Gummery BSc  
(Hons) MA MRTPI

Principal Planning Policy Officer

### FOR THE APPELLANT:

Douglas Edwards

Queens Counsel

He called

Simon Bacon BA (Hons)  
BArch

TP Bennett

Colin Pullan BA (Hons) DipUD

Lambert Smith Hampton

Jon Murch MATCP MRTPI

DaviesMurch

Matthew Harris

Point2

### FOR THE FINCHLEY SOCIETY:

Jeffrey Borinsky

Mary Hogben

### INTERESTED PERSONS:

Cllr Ross Houston

Ward Councillor

Ruth Slavid

Local resident

Stephen Aleck

Local resident

Cllr Geoffrey Cooke

Adjoining Ward Councillor

### INQUIRY DOCUMENTS

- 1 Appeal Ref: APP/N5660/W/20/3248960- Woodlands Nursing Home
- 2 Appeal Ref: APP/T5720/W/20/3250440- New Malden
- 3 Agreed Table of Housing Land Supply sites version 3
- 4 TV reception impact assessment & Satellite signal shadow zones (CD9.6 & 9.6A)
- 5 Written reps from M Maleknia
- 6 Note on Urban Design Input dated 2 Oct 2020, provided by the appellant (CD7.6)
- 7 Written reps from S Uddin
- 8 Finchley Society response to CD 9.6 & 9.6A
- 9 Section drawings through Rosemont Avenue D6304 and D6306 with note
- 10 Comments from Simon Bacon on CD 7.6

- 11 'Site Layout planning for daylight and sunlight – a guide to good practice' (Second Edition, 2011)
- 12 Note on Victoria Park play space, provided by the Council

## Core Documents List

### 1. National Documents

- 1.1 NPPF
- 1.2 PPG
- 1.3 National Design Guide – October 2019
- 1.4 DCLG: Technical Housing Standards - Nationally Described Space Standard March 2015

### 2. GLA Documents

- 2.1 London Plan
- 2.2 GLA Guidance on Preparing Energy Assessments – 2018
- 2.3 London Environment Strategy – 2018
- 2.4 Mayor's Air Quality Strategy – 2010
- 2.5 Mayor's SPG - Housing 2016
- 2.6 Mayor's SPG – Sustainable Design and Construction 2014
- 2.7 Mayor's SPG – Character and Context 2014
- 2.8 Mayor's SPG – Affordable Housing and Viability 2017
- 2.9 Mayor's SPG – Play and Informal Recreation 2012
- 2.10 The 2017 London Strategic Housing Market Assessment

### 3. LB Barnet Documents

- 3.1 Lb Barnet Core Strategy 2012
- 3.2 Lb Barnet Development Management Policies
- 3.3 Lb Barnet Draft Local Plan (Reg 18) January 2018
- 3.4 North Finchley Town Centre Framework SPD, February 2018
- 3.5 Planning Obligations SPD, April 2013
- 3.6 Delivering Skills, Employment, Enterprise and Training from Development Through S106, SPD, October 2014
- 3.7 Sustainable Design and Construction, October 2016
- 3.8 Residential Design Guidance, October 2016
- 3.9 Tall Buildings Study of London Borough of Barnet, November 2010
- 3.10 Tall Buildings Update, December 2019
- 3.11 GLA: Character and Context SPG 2014
- 3.12 2010 Characterisation Study of London Borough of Barnet
- 3.12 ditto A
- 3.12 ditto B
- 3.12 ditto C
- 3.13 Barnet Draft Local Plan (Reg 19)

### 4. Other

- 4.1 West London Strategic Housing Market Assessment Report of Findings October 2018
- 4.2 Tesco New Malden Decision
- 4.3 North London Business Park Inspectors Report



4.4 Note on Urban Design Input

4.5 Matthew Harris BSc - Point 2 Surveyors Limited Qualifications and Experience

4.6 Supplementary Summary Note on Site Context and use of Alternative Daylight Targets

5. Appeal Documents

5.1 Appellant Statement of Case

5.2 Council Statement of Case

5.3 Finchley Society Statement of Case

5.4 Statement of Common Ground

Council Documents

5.5 Mr. P. Hughes Evidence

5.6 Mr. H Ryatt Evidence

5.6a Mr. H Ryatt Evidence Appendix

5.6b Mr. H Ryatt Evidence Appendix

5.6c Mr. H Ryatt Summary Evidence

5.7 Mr. J. Gummery 5 Year Land Supply POE

5.7a Mr. J Gummery Appendix A

5.7b Mr. J. Gummery Appendix B

5.7c Mr. J. Gummery Appendix C

5.7d Mr. J. Gummery Appendix I

5.8 Mr. J. Gummery Rebuttal 5 Year Land Supply

5.8a Mr. J Gummer Rebuttal 5 Year Land Supply

5.8b Mr. J. Gummery Appendix N

5.8c Mr. J. Gummery Appendix N

5.8c Call for Sites Form - Barnet House

5.8c Call for Sites Response Form - Whalebone Park 08.06.15

5.8c Finchley Church Tc Strategy 2012

5.8c Head of CD Estates Email

5.8c Hendon Hub Email

5.8c Housing & Growth Committee 14 June 2021 Northway - Fairway Proposed Approach to Site Disposal

5.8c Kingmaker House 19\_5403\_Ful Officer Report

5.8c TfL Cd Reps on Barnet Reg 18 Local Plan

5.8c West Hendon RMA Approvals

Finchley Society Documents

5.9 A-Q The Finchley Society Statement of Case:

Appellant Documents

5.10 Architectural Presentation

5.10a Architects Proof of Evidence

5.10b Appendices to Architects Proof of Evidence

5.11 TPB Architects Rebuttals

5.11a TPB Architects Rebuttal Appendices

5.12 Pullan 679 High Road North Finchley Poe

5.12a Pullan 679 High Road North Finchley Figures

5.13 Pullan 679 High Road North Finchley Summary

- 5.14 Pullan 679 High Road North Finchley Rebuttal Evidence
- 5.15 679 High Road Appellant Planning Proof of Evidence
- 5.15a 679 High Road Appellant Planning Evidence Appendix
- 5.15b Appendix 7 Appellant Planning Proof
- 5.16 679 High Road Appellant Summary Planning Proof
- 5.17 679 High Road Jon Murch Rebuttal Proof
- 5.17a 679 High Road Jon Murch Rebuttal Proof Appendices

## 6. Five Year Housing Supply Documents

- 6.1 Lb Barnet Five-Year Land Supply Summary Statement and Table 11th May 2021
- 6.2 Lb Barnet Housing Trajectory Spreadsheet
- 6.3 Authorities Monitoring Report 2018/19.
- 6.4 Agreed Table Of 5yrs Housing Sites
- Cd6.5

## 7. Consultation Responses

- 7.1 Planning Officers Report to Committee
- 7.2 Planning Officers Report to Committee Addendum
- 7.3 GLA Stage 1 Response
- 7.4 GLA Stage 2 Response
- 7.5 TFL Response Dated 28th October 2020
- 7.6 Lb Barnet Urban Design Comments 2nd October 2010
- 7.7 Letter from Historic England Dated 25th August 2020
- 7.8 Email from Lb Barnet's Affordable Housing Co-Ordinator Dated 26th October 2020

## 8. Core Application Documents

- 8.1 A-F Design and Access Statement, July 2020:
- 8.2 A-D Townscape and Visual Appraisal July 2020
- 8.3 Town Planning Statement, July 2020
- 8.4 July 2020 CGI Pack
- 8.5 Transport Assessment July 2020
- 8.6 A-D Daylight, Sunlight and Overshadowing Assessment July 2020
- 8.7 Built Heritage Statement July 2020
- 8.8 A Landscape Design and Access Statement July 2020
- 8.8 ditto B
- 8.9 Schedule of Accommodation
- 8.10 Statement of Community Involvement

## 9. Application Amendment Documents

- 9.1 A Updated Drawing Pack:
  - 9.1 B
  - 9.1 H
  - 9.1 N
  - 9.1 C
  - 9.1 I
  - 9.1 O
  - 9.1 D

- 9.1 J
- 9.1 P
- 9.1 E
- 9.1 K
- 9.1 Q
- 9.1 F
- 9.1 L
- 9.1 R
- 9.1 G
- 9.1 M
- 9.1 S
- 9.1 T
- Cd9.1u Note on Proposed Sections
- Cd9.1v E1244d6304
- Cd9.1w E1244d6306
- 9.2 CGI
- 9.3 Circular Economy Statement
- 9.4 Fire Statement for Planning Application
- 9.5 Wind Desktop Assessment
- Cd9.6 Television Reception Impact Assessment
- Cd9.6a Television Reception Impact Assessment Map
  
- 10. S106 Legal Agreement
  - 10.1 S106 CIL Compliance Statement
  - 10.2 Draft S106 Agreement
    - 10.2 A Location Plan
    - 10.2 B Car Club Plan
    - 10.2 C High Road Highway Work Options
    - 10.2 D Satellite Signal Shadow Zones