

London Borough of Barnet

Proof of Evidence on behalf of Local Planning Authority

Paul Sallin (BSc(Hons) MA Urban Design MCD) – Principal Urban Designer

Appeal By: Comer Homes Group

Proposed Development: “Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed use development. The detailed element comprises up to 452 residential units in five blocks reaching 9 storeys, the provision of a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road and; the outline element comprises up to 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking.”

Appeal Site: North London Business Park, Oakleigh Road South,
London, N11 1GN

Appeal Reference: APP/N5090/W/23/3330577

LPA Reference: 21/4433/OUT

Public Inquiry: 13 February 2024

Appeal under Section 78 of the Town and Country Planning Act (As Amended) 1990

CONTENTS

1.0 INTRODUCTION	3
2.0 SCOPE OF EVIDENCE	4
3.0 APPLICATION SITE AND SURROUNDING CONTEXT	5
4.0 REVIEW OF RELEVANT POLICIES AND DOCUMENTS.....	10
5.0 APPROVED AND PROPOSED (APPEAL) SCHEMES	39
6.0 THE COUNCIL'S CASE	51
7.0 DECLARATION	57

1.0 INTRODUCTION

- 1.1. I am Paul Sallin and I work for London Borough of Barnet as a Principal Urban Designer. I have BSc (Hons) in Building Studies, an MA in Urban Design from Oxford Brookes University and Masters in Civic Design (a planning course) from Liverpool University. I have twenty years working experience in urban design covering public and private practice. I am a Recognised Practitioner of Urban Design (awarded by the Urban Design Group).
- 1.2. I have worked with London Borough of Barnet since January 2022, mainly focused on providing design advice on major development proposals at pre-application and application stage.
- 1.3. I confirm that the opinions expressed in my evidence are my true and professional opinions and are given in accordance with the guidance of my professional institution.
- 1.4. I was not an officer involved in the pre application or the application process for this site.

2.0 SCOPE OF EVIDENCE

- 2.1 In terms of my scope, I am providing evidence focused on the design and character of proposed development in relation to the local area. In particular, I concentrate on those areas specifically mentioned in the reasons for refusal, i.e. Fernwood Crescent, Denham Road, Oakleigh Close and Oakleigh Road North as well as New Southgate Cemetery to the East.
- 2.2 Section 2 discusses the appeal site and its context, relevant to setting the scene for later sections.
- 2.3 Section 3 reviews national through to site-based planning policy and other documents, highlighting policies and extracts pertinent to the case in this proof of evidence.
- 2.4 Section 4 reviews both the approved and proposed (appeal) schemes, to help the reader understand current proposals, and key differences with the approved scheme. Coverage includes layout, building height, visual impact, visual design quality and design review.
- 2.5 Section 5 provides the Council's case – the multi-faceted visual harm arising from the height, scale and massing in unreasonable conflict with the local character setting and appearance of the area.

3.0 APPLICATION SITE AND SURROUNDING CONTEXT

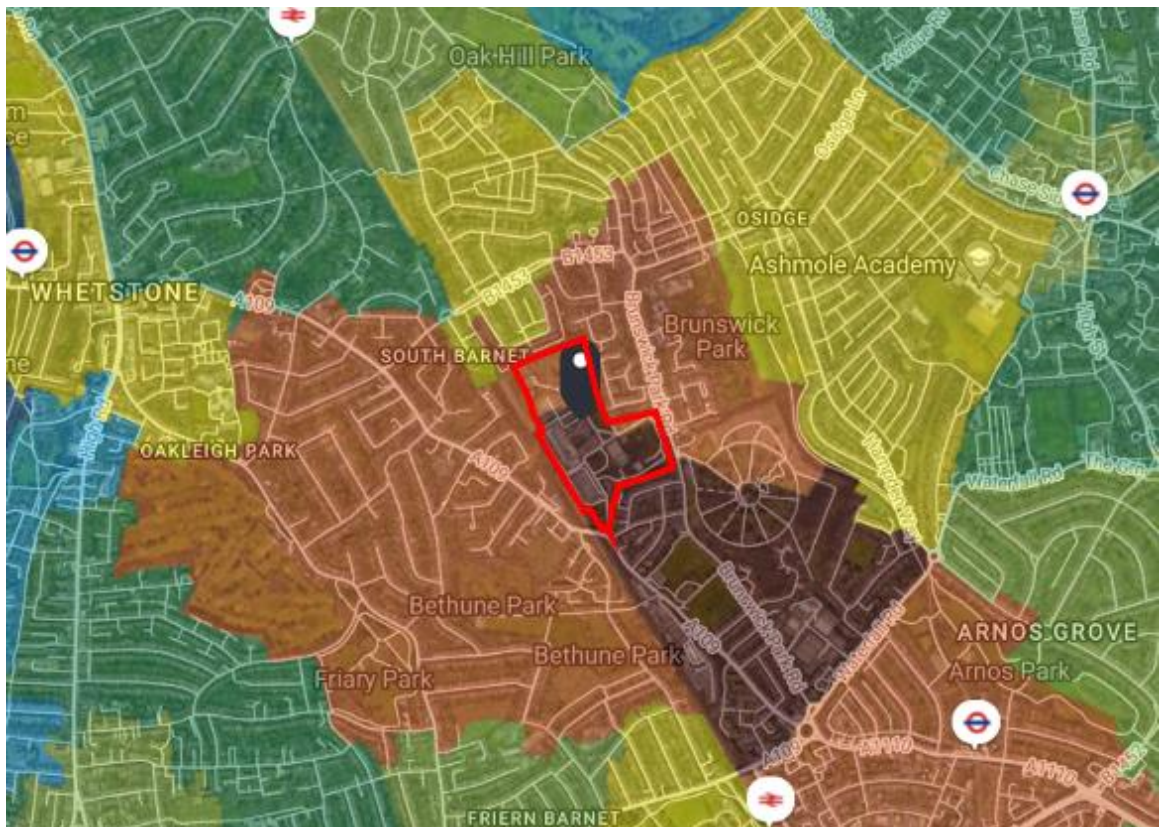
The Site

- 3.1 The appeal site is currently occupied by a business park within landscaping, with approximately 50% consisting of built development (including buildings, roads and parking) and 50% either landscaped or left as grassland/shrubland/woodland. A large pond characterises land to the east. Built development is predominantly toward the railway line to the west, with generous areas of landscape buffering residential areas to the north, east and south.
- 3.2 The natural site topography slopes from NW to SE, though this has been affected by significant earth works, primarily to flatten development sites through stepping, and banking at the edges to further buffer built development from surrounding residential development. There is currently an approximately 38m difference between the high and low spots of the site.
- 3.3 A mix of uses occupy the site, not just offices, for example including St Andrew the Apostle Greek Orthodox School, Ariana Banqueting Hall and North London Dental Centre.
- 3.4 The site is fenced with access restricted to two (vehicular, cycle and pedestrian) access points – one off Brunswick Park Road to the west and the other from Oakleigh Road North to the south. These provide vehicular access to large areas of surface parking as well as a multistorey car park toward the latter access point.
- 3.5 Buildings generally have large footprints but are all low rise – predominantly 3 storeys for the main grouping of buildings near to the centre west of the site, with 1 and 2 storey buildings outside the core. The architecture of buildings might be described as somewhat utilitarian but still politely articulated, with some white art deco type qualities but more generally quite understated and plain.
- 3.6 The existing site's combination of low-rise development, extensive landscape, buffer banking and understated architecture mean the site is seen as

predominantly of a landscape character from surrounding suburbs, with built development discreetly integrated.

Site Context

3.7 The site is located in the Brunswick Park area of the borough. It is in a relatively remote, low-rise, low density and generally low-key suburban location, with limited access to local amenities and public transport. This is demonstrated by Time Mapping walking from the heart of the site:



Map key - Travel Time

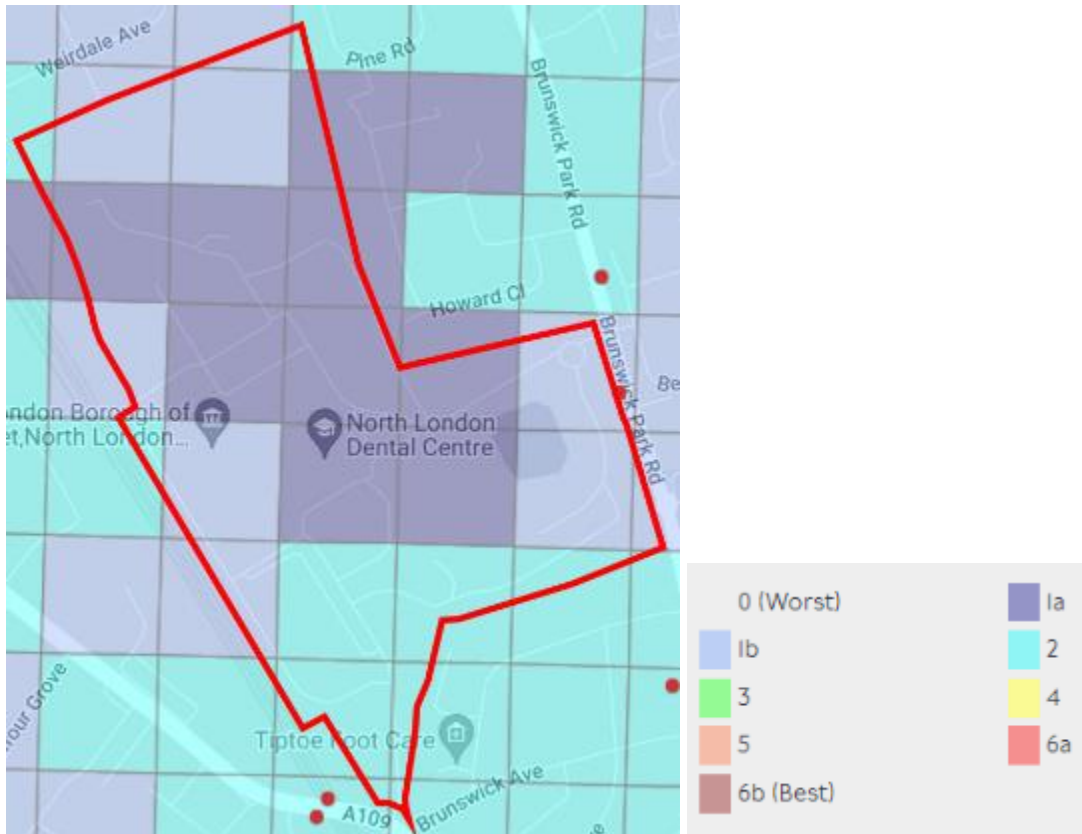
< 15 mins	15 - 30 mins
30 - 45 mins	45 - 60 mins
60 - 75 mins	75 - 90 mins
90 - 105 mins	105 - 120 mins
120 - 135 mins	135 - 150 mins

Time Mapping (TIM) (source: Transport for London at <https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-with-webcat/webcat?Type=TIM&lat=51.62601&lon=-0.15230&scenario=Base%20Year&zoomLevel=14&places=Stations%20stops%20and%20piers>)

3.8 There are no town or district centres within what is generally considered reasonable walking distance, with the nearest centres being Whetstone (District Centre) which is a 2,300m walk away to the northwest, and, in London

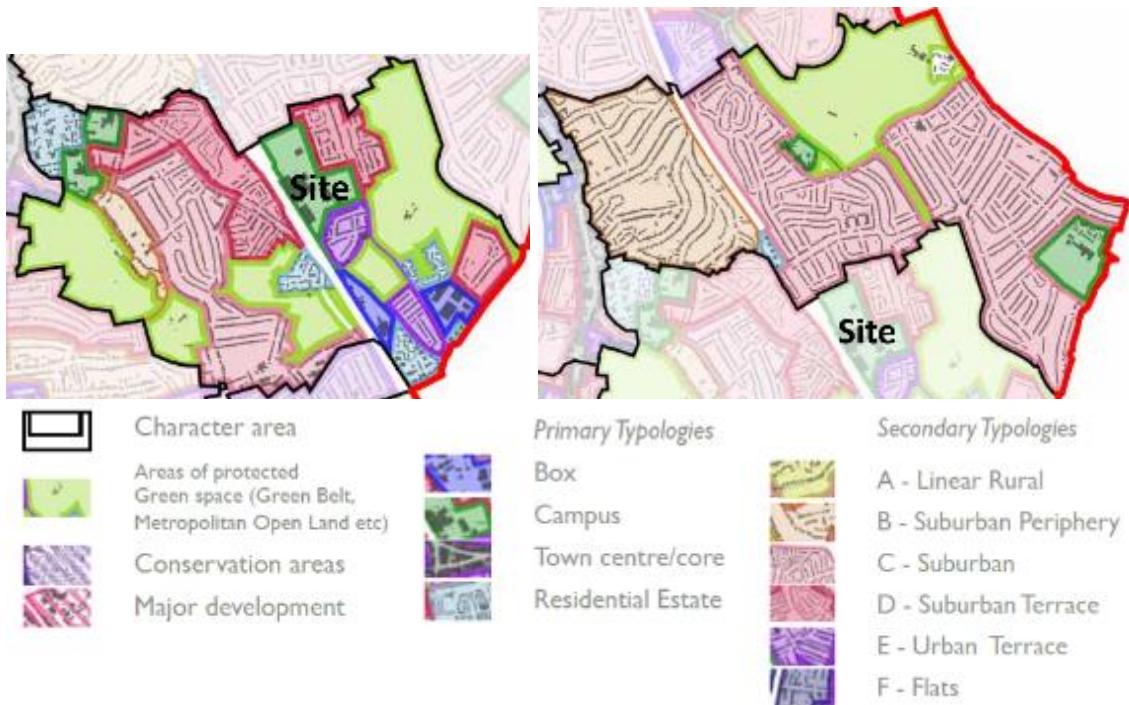
Borough of Enfield, Palmers Green (District Centre) which is a 3,900m walk away to the southeast. It is by nature a relatively quiet outer London borough suburb.

- 3.9 The nearest station (New Southgate) is a 1,800m walk away from the heart of the site to the south. The site's poor access to public transport is reflected in its low Passenger Transport Accessibility Level (PTAL) rating (mainly 1a):



Access Level PTAL (Source: Transport for London at <https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-with-webcat/webcat?Type=PTAL&lat=51.62601&lon=-0.15230&scenario=Base%20Year&zoomLevel=14&places=Stations%20stops%20and%20piers%7CTravel%20times>)

- 3.10 In the Barnet Characterisation Study, the site sits within Friern Barnet and Brunswick Park Character Area (left image below), with the Oakleigh Park and East Barnet Character Area adjoining to the north (right image) - showing development typologies:



Key Character Areas from Barnet Characterisation Study

- 3.11 To the north of the site, the area is generally consistent, predominantly comprised of detached and semi-detached 2 storey houses with generous gardens on regular streets, most of it being inter war housing. There are also small occasional pockets of 3 storey apartment blocks within landscaped grounds. The area includes a large public green space at Oak Hill Park.
- 3.12 To the west of the site, the area is predominantly comprised of 2 storey suburban terrace housing incrementally built through the mid-to-late 20th century (post-war adjoining the site). The street layout in this area generally follows a rectilinear form. This area is centred on Brunswick Park Road, which is characterised by its distinctively landscaped avenue treatment and 2 storey mid-20th century semi-detached housing. Further west lies a large public green space in the form of Brunswick Park, adjoining which is Brunswick Park Primary and Nursery School and a small pocket of 3 storey buildings (including apartments and care centre). To the southwest of the site and extending up to Brunswick Park is the (just under 50 acre) New Southgate Cemetery and Crematorium, described in the Characterisation Study as "one of the great Victorian cemeteries".
- 3.13 The immediate area to the south of the site and to the east of the railway line is mainly characterised by Edwardian 2 storey urban terrace housing, though

also including suburban typologies and the occasional small scale 3 storey apartment block. Further south, a gap in residential development results from new Southgate Recreational Ground and a low-key industrial site lining the railway line, beyond which lies a mix of urban terrace and suburban housing.

- 3.14 Adjoining to the west of the site is the railway line. The area on the other side of the railway line is more mixed, though still distinctly suburban on the whole. It mainly consists of suburban terrace and semi detached 2 storey housing incrementally developed during the mid-late 20th century. The area also possesses some green open spaces, allotments, Oakleigh School, pockets of villa style or gardened apartment blocks up to the present day, Edwardian terraced housing and two local/neighbourhood centres on the main road (Oakleigh Road North). One pocket of apartments near to the northwest corner of the site includes the tallest buildings within the vicinity of the site at 4 storeys.

4.0 REVIEW OF RELEVANT POLICIES AND DOCUMENTS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. There is therefore a statutory presumption in favour of the development plan.
- 4.2 In this case, the Development Plan comprises The London Plan 2021, Barnet Local Plan Core Strategy and Barnet Local Plan Development Management Policies, adopted in 2012.
- 4.3 Relevant policies of the Development Plan are included as Core Documents and listed in the Statement of Common Ground and the Council's Statement of Case. A summary of the most relevant policies and guidance, in relation to the reasons for refusal are given below.

Barnet Local Plan (2012)

The Core Strategy (September 2012) [CD5.001]

- 4.4 The purpose of the Core Strategy is to guide the growth identified in the borough to ensure that the qualities that make Barnet an attractive place to live are maintained and enhanced. Three Strands Approach provides the spatial vision that underpins the Core Strategy and the Local Plan. The three strands are: Protection, Enhancement and Consolidated Growth. (Paragraph 2.2.1)
- 4.5 The Core Strategy sets out the major areas across the borough where development and regeneration is expected and the policies developed for them. In regard to the appeal the following policies are relevant.
- 4.6 ***Policy CS NPPF: National Planning Policy Framework – Presumption in favour of sustainable development***

Policy CS NPPF reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Planning

applications that accord with policies in Barnet's Local Plan, will be approved without delay, unless material considerations indicate otherwise, as is the case in this instance. On the basis of the reasons for refusal outlined in the Council's determination of the proposal, the appeal proposal is unable to be supported under Policy CS NPPF.

4.7 **Policy CS5:** *Protecting and enhancing Barnet's character to create high quality places*

Policy CS5 seeks to protect and enhance Barnet's character to create high quality places with the aim to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design.

It also identifies locations for tall buildings, stating that

..." Proposals for tall buildings will be considered in accordance with DM05 – Tall Buildings"...

The appeal site is not within any of these identified locations.

4.8 Within the supporting text in Section 10 Protecting and enhancing Barnet's character to create high quality places, paragraph 10.1.4 states that;

....."The borough is predominantly suburban in character and is mainly made up from detached, semi-detached and terraced housing".....

4.9 Paragraph 10.1.6 states,

"For Barnet to grow successfully it is imperative that safeguards are in place to protect and enhance the suburban quality of the borough. There is a need to identify the physical elements within the built environment that give Barnet its character and highlight those areas of the borough that may require further protection from development."

4.10 Paragraph 10.5.12 continues;

..."High quality design also takes account of its surroundings and what is distinctive and valued about the local area..... We will therefore expect the

design of new buildings and places to respond to the local area and its defining characteristics and reinforce or create local distinctiveness”.....

- 4.11 Policy CS3 “Distribution of Growth in Meeting Housing Aspirations” indicated a capacity of 400 homes on the North London Business Park site. Supporting text states:

“[...] density should not drive development, it is an important factor to take into account along with local context, design, transport accessibility and infrastructure.” (8.3.1)

- 4.12 Supporting text to Policy CS5 refers to the old London Plan density matrix:

“With regard to the London Plan sustainable residential quality density matrix we will expect to optimise densities rather than maximise them. However there will be instances where developments are appropriate within the upper end of the density range set out in the London Plan. We will utilise the London Plan density matrix to reflect local context, public transport accessibility and availability of social infrastructure.”

- 4.13 The approach to good design in the Core Strategy recognises that Barnet contains a variety of density levels, building and townscape typologies which reflect its historical development.

- 4.14 Therefore, the plan seeks to put in place safeguards to protect and enhance the suburban quality of the borough. In this context the Council commissioned the Characterisation Study to identify areas of the Borough that can accommodate growth (see below).

- 4.15 Policy CS5 requires new development to respect local context and distinctive local character to enable places and buildings of high quality and design and references, the Barnet Characterisation Study noting that it:

“[...] forms the baseline for the identification of places with a consistent and coherent architectural character. Within the typologies identified in the Characterisation Study we will through our Development

Management Policies DPD and Residential Design Guidance SPD develop a framework to protect and enhance those high quality suburbs in Barnet.”

4.16 With regards to tall buildings Paragraph 10.6.2 continues:

... “As Barnet changes over the next fifteen years it is expected that there will be pressure for tall buildings (defined in Barnet as being eight storeys (equivalent to 26 metres above ground level or more) to play a part in new development. While tall buildings offer the opportunity for intensive use, their siting and design should be carefully considered in order to not detract from the nature of surrounding places and the quality of life for those living and working around them”...

Development Management Policies [CD 5.002]

4.17 **DM01** – *Protecting Barnet’s Character and Amenity and Locations for Tall Buildings*

It is an objective of DM01 to ensure development proposals are based on an understanding of local characteristics. DM01 Part B states proposals should preserve or enhance local character and respect the scale, height, density and pattern of surrounding buildings, spaces and streets.

4.18 The supporting text at Paragraph 2.2.1 states that the council will not accept designs for new development that are inappropriate to their context or do not take opportunities to improve the character and quality of an area. High quality design solutions help to make new places in the borough which can add to and complement the existing suburban character. Contemporary design may be appropriate provided it has regard to the local context.

4.19 Para 2.3.9 continues:

“Whilst the policy intention is to protect local character, it should not be used to restrict well designed and sympathetic development which meets other objectives in the Core Strategy, Development Management

Policies DPD, the council's suite of Design Guidance Notes and Supplementary Planning Documents. The Characterisation Study should be referred to for a more detailed description of the typologies and used as a tool to help judge the effect of a development on character. The Supplementary Planning Document (SPD) on Residential Design Guidance will provide more specific requirements on development that is suitable for Barnet's distinctive suburban character".

4.20 **DM02** – Development Standards

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM02 requires new development to be in compliance with London Plan standards and is supported by the guidance set out in the council's suite of Supplementary Planning Documents.

4.21 **DM05** – Tall Buildings

Proposals for tall buildings will need to demonstrate:

- i. an active street frontage where appropriate
- ii. successful integration into the existing urban fabric
- iii. a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- iv. not cause harm to heritage assets and their setting
- v. that the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.

Proposals for redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.

Emerging Policy [CD11.002]

4.22 Barnet's Draft Local Plan, on 26th November 2021, was submitted to the Planning Inspectorate for independent examination which was carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing

and Communities (the hearing sessions took place between 20 September 2022 and 11 November 2022).

- 4.23 The Regulation 24 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account has been taken of the policies and site proposals in the draft Local Plan. Given the status of the emerging Local Plan Review at examination, significant weight is afforded to those relevant policies contained within the emerging Local Plan.
- 4.24 The Inspector in his Interim Findings and Next Steps letter of August 17th **[CD6.002]** has set out how the Council can, through making Main Modifications to the Local Plan, address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within, may look like at adoption, subject to making the Inspector's suggested Main Modifications.
- 4.25 Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.
- 4.26 Relevant Emerging policies include for example:
- Policy CDH01 Promoting High Quality Design
 - Policy CDH03 Public Realm
 - Policy HOU02 Housing Mix
 - Policy CDH04 Tall Buildings
- 4.27 In relation to emerging Policy CDH04 of the draft Local Plan Review, Page 4 of the Examination Document 79 of the Local Plan Review Examination **(CD6.003)** confirms that emerging Policy CDH04 accords with the Master Brewer judgement **(CD8.004)**, stating that Policy CDH04(d) "makes clear that all proposals for tall or very tall buildings (therefore irrespective of their

location), need to be assessed in accordance with the impacts outlined in London Plan Policy D9 Part C as well as other relevant Local Plan policies". As above, the Inspector in his Interim Findings Letter of 17 August 2023 does not suggest any changes to Part A of Policy CDH04 – locations that may be suitable for tall buildings. North London Business Park is not an area identified in Policy CDH04 as suitable for tall buildings, although I accept this appeal scheme can be judged on its own merits.

Other Local Plan Policies

- Barnet's Local Plan contains numerous other policies considered in the assessment of this proposal, detailed within the officer's report and included in the Core Documents and in the Statement of Case and Statement of Common Ground. These policies provide support and direction for the provision and location of new housing, and requirements for transport and consideration of environmental effects and conditions. How the development conforms to these policies is part of the overall assessment and ultimately conclusions about balance of planning issues. These are the policies relevant to reason for refusal 2:CS4 (Providing quality homes and housing choice in Barnet)
- CS7 (Enhancing and protecting Barnet's open spaces)
- CS8 (Promoting a strong and prosperous Barnet)
- CS9 (Providing safe, effective and efficient travel)
- CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

- DM02 (Development standards)
- DM04 (Environmental standards for development)
- DM10 (Affordable housing contributions)
- DM13 (Community and education uses)
- DM14 (New and existing employment space)
- DM16 (Biodiversity)
- DM17 (Travel impact and parking standards)

London Plan (CD5.003)

- 4.28 The new London Plan was published on the 3rd March 2021 and sets out the Mayor's overarching strategic planning framework. This London Plan period runs from 2019 to 2041 and now supersedes the previous Plan (2016).
- 4.29 Policy D1 (London's form, character and capacity for growth) requires area assessments to be undertaken to understand capacity for growth having regard to the preparation of plans and policies to deliver growth having regard to the character and capacity for growth. A design led approach to optimising site capacity is advocated in Policy D3, for example:

"[...] Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, [...]"

- 4.30 The supporting text to Policy D1 confirms that an understanding of the existing character and context of individual areas is essential (3.1.2) and that an understanding of how places are perceived, experienced and valued is important (3.1.3) with area assessments encouraged as a tool to aid understanding.

- 4.31 **Policy D3 - Optimising site capacity through the design-led approach**

This policy states at part A;

"All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for

sustainable densities), and that best delivers the requirements set out in Part D”.

- 4.32 With regards to D3, I highlight parts 1 and 11 with regards to reason for refusal 1.

Part 1 in “Form and Layout” outlines that development proposals should;

1) enhance 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.

Part 11 “Quality and Character” states that proposed schemes should;

11) respond 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.

- 4.33 In terms of density, the new London Plan 2021 takes a less prescriptive approach than the previous version, with Policy D3 stating inter alia, that the density of a development should result from a design-led approach to determine the capacity of the site. This should consider site context, its connectivity and accessibility by walking and cycling, existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure.

Policy D9 – Tall Buildings

- 4.34 This policy states at part A;

Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and

within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.

This policy states at part B;

- 1) Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.
- 2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans.

This policy states at part C;

Development proposals should address the following impacts:

1) visual impacts

a) the views of buildings from different distances:

- i. long-range views – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views
- ii. 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
- iii. Immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. 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.

- b) whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding
- c) architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan
- d) proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area
- e) buildings in the setting of a World Heritage Site must preserve, and not harm, the Outstanding Universal Value of the World Heritage Site, and the ability to appreciate it
- f) buildings near the River Thames, particularly in the Thames Policy Area, should protect and enhance the open quality of the river and the riverside public realm, including views, and not contribute to a canyon effect along the river
- g) buildings should not cause adverse reflected glare h) buildings should be designed to minimise light pollution from internal and external lighting

The policy text continues;

2) functional impact

- a) the internal and external design, including construction detailing, the building's materials and its emergency exit routes must ensure the safety of all occupants
- b) buildings should be serviced, maintained and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to surrounding public realm. Servicing, maintenance and

building management arrangements should be considered at the start of the design process

c) entrances, access routes, and ground floor uses should be designed and placed to allow for peak time use and to ensure there is no unacceptable overcrowding or isolation in the surrounding areas

d) it must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport for people living or working in the building

e) jobs, services, facilities and economic activity that will be provided by the development and the regeneration potential this might provide should inform the design so it maximises the benefits these could bring to the area, and maximises the role of the development as a catalyst for further change in the area

f) buildings, including their construction, should not interfere with aviation, navigation or telecommunication, and should avoid a significant detrimental effect on solar energy generation on adjoining buildings

3) environmental impact

a) wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building

b) air movement affected by the building(s) should support the effective dispersion of pollutants, but not adversely affect street-level conditions

c) noise created by air movements around the building(s), servicing machinery, or building uses, should not detract from the comfort and enjoyment of open spaces around the building

4) cumulative impacts

a) the cumulative visual, functional and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the outset to avoid retro-fitting.

Public access

D Free to enter publicly-accessible areas should be incorporated into tall buildings where appropriate, particularly more prominent tall buildings where they should normally be located at the top of the building to afford wider views across London.

4.35 I highlight in particular part 3 (D) which states that buildings should positively contribute to the character of the area.

4.36 In terms of impacts Policy D9 C 1 includes the assessment of buildings in long, mid and immediate range views. Mid-range views are addressed at Policy D9 C (1) (a ii):

"[...] 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."

4.37 In the context of immediate views Policy D9 C (1) (a iii) states:

"[...] immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. 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."

4.38 Policy D9 C (1) (b) looks at the role of tall buildings in helping define the local area:

"[...] whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding."

National Planning Policy Framework (NPPF) (CD5.003)

- 4.39 The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced and for decision making. It states the purpose of the planning system is to contribute to the achievement of sustainable development, which is comprised of three overarching objectives: economic, social and environmental. The relevant sections of the NPPF have been highlighted in the council's statement of case and are also listed within the Statement of Common Ground (these sections remain relevant in the recently published NPPF albeit the paragraph numbers have in some cases changed).
- 4.40 Paragraph 11 says there is a presumption in favour of sustainable development, with development that accords with an up-to date development plan to be approved without delay.
- 4.41 It is noted at Paragraph 60, that in order to support the Government's objective to significantly boost the supply of housing, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing needs are addressed, and that land with permission is developed without unnecessary delay.
- 4.42 Paragraph 77 states local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' or a minimum of four years' worth of housing (if the provisions in paragraph 226 of the NPPF apply) worth of housing against their housing requirement set out in adopted strategic policies.
- 4.43 Section 11 "*Making effective use of land*" confirms at Paragraph 123, planning policies and decisions should promote an effective use of previously developed land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living condition.
- 4.44 Para 124 at C states planning policies and decisions should;

"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land"

D outlines that planning policies and decisions

"promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)"

- 4.45 In Achieving appropriate densities, Paragraph 128 states that Planning policies and decisions should support development that makes efficient use of land, taking into account a number of factors including the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.
- 4.46 Paragraph 129 advises that *"area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places"*.
- 4.47 In regard to section 12 *"Achieving well-designed places"* the NPPF states at Paragraph 131 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.48 Paragraph 132, although a plan making policy, states that *"Design policies should be developed with local communities so they reflect local aspirations and are grounded in an understanding and evaluation of each area's defining characteristics."*

4.49 Paragraph 135 (a and c) outlines that Planning policies and decisions should ensure that developments;

"will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development";

"are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)".

4.50 Para 139 outlines that;

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Other Material Considerations

4.51 In addition to the Development Plan, and the NPPF, there are other documents which are material considerations relevant to the proposals. The most pertinent documents are referenced below.

Characterisation Study of London Borough of Barnet (2010) **(CD:7.001)**

4.52 The Study provides an assessment and understanding of the characteristics of the Boroughs built environment. It identifies the different architectural typologies and character areas in the borough. The Study provided the evidence base to support the Local Plan objectives and helps to identify areas that require greater protection, in addition to those that have the potential to accommodate new development. The Study although not adopted forms part of the evidence base upon which the Local Plan Policies are based and did go through public and local stakeholder consultation. The document also forms part of the evidence base for the emerging plan and is therefore a current evidence base document. Under recent appeal determinations within the borough at "Homebase" (**CD8.002**) the Inspector noted at para.10 that "Barnet's Characterisation Study of 2010 is of some age but is a helpful guide to urban character and local distinctiveness". At the Victoria Quarter appeal in 2022 (**CD8.006**), the Inspector agreed it to be a helpful guide to understand the current character of the borough (para.10). Accordingly, significant weight is given to this document.

4.53 At page 6 the study states:

"Barnet is predominately suburban in character, and is mainly made up from detached, semi detached and terraced housing. Barnet also has 20 town centres that provide a range of commercial, retail and leisure facilities. Many of the town centres have evolved from historic villages, and form an integral part of the Barnet's distinct character."

4.54 The methodology outlines at page 8 outlines that certain areas are excluded from the study; protected areas including green belt and conservation areas. The special character of these areas is already articulated by planning policy and as such they do not require further analysis. Areas identified for growth are also not included. These sites have been subject to detailed analysis and are recognised as having strategic development potential, and benefit from specific planning guidance and masterplanning exercises. The urban character within these areas is due to evolve significantly, and any analysis of the

physical environment will quickly become outdated. The remaining urban area of Barnet is then divided and categorised in order to be effectively analysed. The criteria used to assess the urban environment are scale and grain, land use and network characteristics – arrangement of roads and footpaths and their relationship with surrounding buildings. Using these three criteria has then enabled the identification of broad categories of types of streets, or “primary typologies”:

- *Box development* – typically large single buildings/retail units such as supermarkets, or industrial development. Large urban scale and coarse grain typically organised around series of car park and are more functional than design led;
- *Campus Development* – range of uses across the Borough, including colleges, hospitals, civic buildings and business parks. Large buildings/urban scale and coarse grain;
- *Cores and Town Centres* – often located along major vehicular routes traffic has had a significant impact upon their historic character. Originated from historic centres and typically contain some of the oldest parts. Medium to large buildings arranged along streets forming strong terraces and coherent forms;
- *Residential Estates* – different to Residential Streets by the way the buildings are organised and how they relate to streets and open spaces. Postwar housing estates were designed around complicated layouts which separated pedestrian and vehicular movement creating an illegible environment with lack of active frontages. Variable building scales, set in landscape and/or parking; and
- *Residential Streets* - predominant form of development in Barnet and most often associated with interwar housing. Characterised by a simple loose grid of streets forming a permeable network, with regular plots small to medium buildings fronting directly on the street.

4.55 Residential streets are then broken down into secondary typologies and categorised using the following criteria:

- density;
- building types and units;
- enclosure, street width, setbacks and building height;
- Architectural style and period; and
- Landscape character and streetscape

4.60 The application of these five criteria identified six secondary typologies which include:

- *Type A - Linear rural: product of sporadic, piecemeal growth along country lanes or tracks. No consistent house type or period and materials and styles equally diverse. Public space along linear rural routes remains primarily enclosed by mature vegetation, including trees and hedgerows.*
- *Type B - Suburban periphery: large plot sizes, and sense of enclosure provided by on street vegetation. Most areas have been identified in the north of the Borough, with the largest single area identified east of Totteridge. Houses are typically the product of the early twentieth century, and in particular the interwar years. Similar to the above with a mixture of different house types however there are in some cases where houses are built to common template and dimensions, usually from the interwar period.*
- *Type C - Suburban: majority of the houses built during the interwar period with strong sense of architectural consistency and coherence. Contain both detached and semi detached houses with building heights predominantly two storeys and occasionally three storey.*
- *Type D - Suburban terrace: buildings from a range of architectural styles and periods from the interwar period and dating back to the Edwardian*

and Victorian periods. Despite this variation, individual streets retain strong sense of architectural cohesion and consistency.

- *Type E - Urban terrace: predominately characterised by the architectural dominance of Victorian and Edwardian housing mostly located in the south and east of the Borough. Normally have a strong, coherent character due to the consistent and rhythmic architectural style and consistent street profile.*

4.61 The study informs the Local Plan (as acknowledged in the plan - see above). The character of the area is discussed further in Site Context which it also informs (paragraphs 3.10-14). As recorded in this section, the character of the immediate area around the site is suburban in nature. The character of the site is a campus development.

4.62 The key findings for the Study in regards to scale and massing concludes at Page 129 that,

"A key feature of the many Victorian, Edwardian and interwar streets that make up the borough is the cohesive character created through consistent architectural scale and rhythm. There is a clear and positive hierarchy of scale between the lower residential areas and the town centre areas and key routes. These typically feature three and sometimes four storey development, creating well defined urban spaces."

4.63 The findings continue (at page 129);

...."The emergence of flatted development in established residential streets has eroded Barnet's cohesive suburban character in some locations. In such streets, flatted development of a significantly different scale to the existing houses can break with the existing plot structure and building massing and have a detrimental effect on the street. In the western part of the borough, modern development of has typically taken the form of larger blocks, with both increased height and bulk. Whilst the more successful examples follow a conventional perimeter block model,

this still creates a substantially different massing to the low rise, low density suburbs which prevail in most of the area”.....

.....”The challenge with regard to scale and massing is to maintain the existing sense of small scale and fine grain development in the wide suburban areas of the borough. Larger planned development schemes and concentrated areas of infill and redevelopment with conversion to flats will defined their own typologies and scale, but there is a risk that this will gradually leech into the adjoining suburbs. This prevailing scale and massing should be protected in areas where there is consistent character. At the same time, it may be possible to identify areas which would be more able to tolerate change so that new development can be concentrated in a strategic manner to relate to areas which benefit from good transport links and services as well as those which have already been denuded of much of their original character through previous development”.....

Residential Design Guidance SPD (2016) (CD: 6.7)

4.64 Part 2 of the SPD sets out the general guidelines for new residential development. Again, given the support in the interpretation of local policy, I consider this document should receive significant weight.

4.65 With regards to Local Character the document outlines that;

...”6.1 An area's character may be derived from a range of attributes, including built form, architectural style, pattern, layout, space around buildings, landscaping, trees, streetscape, materials and uses/activity. The design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character. In instances where the surrounding area lacks an identifiable character with positive attributes, or the proposal site is severed from its surroundings (i.e. by railway lines, major roads or industrial areas), the design of new development may establish a distinctive new local identity.

6.2 New residential development provides the opportunity to reinforce the character of an area by contributing and adding to the positive aspects of the built and natural environment. The council want new residential development to respect and enhance the positive features of Barnet's character and local distinctiveness. Respecting local character does not necessarily mean replicating it; however, great care should be taken when incorporating contemporary design into the existing urban fabric. New and old buildings can co-exist without negatively influencing the character of the area, but new development should always sit comfortably with its neighbours".....

4.66 With regards to pattern of development the Residential Design Guidance continues;

....."6.5 The pattern of development plays a vital role in:

- defining the character of the street;*
- influencing the perception of spaciousness and landscape capacity establishing daylight, outlook and privacy relationships between dwellings;*
- influencing the perception of safety on the street and the accommodation of parking, storage and service requirements.*

6.6 The design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas, or at the interface of larger development sites and existing housing".....

4.67 The document addresses scale, massing and height thus;

....."6.12 Scale, massing and height refer to the arrangement, volume, shape, size and bulk of a building or a group of buildings in relation to other

buildings and spaces; and their combined visual impact. It is these aspects of the built form which are fundamental to a proposals impact on its local character and also determine views, vistas and skylines. Proposals for new residential development should respond to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context.

6.13 New development should recognise the scale, massing and roof form of surrounding buildings and reflect these where they are a positive attribute of the area's character. Consideration should be given to the grouping of buildings, roof pitches, the detailing of eaves and gables, chimney stacks and the size/siting of any dormer windows. New development should reflect the existing building lines and rhythm of the street. Where uniform building heights form a distinctive character, major variations will not normally be appropriate, in particular in the middle of a row of buildings".....

National Guidance

National Planning Practice Guidance (NPPG) (CD: 4.3)

4.68 The National Planning Practice Guidance provides more detailed guidance on how to apply the policies contained within the NPPF. The NPPG states that good design is set out in the National Design Guide under the following 10 characteristics (Paragraph: 001 Reference ID: 26-001-20191001):

- context
- identity
- built form
- movement
- nature
- public spaces
- uses
- homes and buildings
- resources
- lifespan

National Design Guide (NDG) (CD:4.2)

4.69 The National Design Guide sets out the above ten characteristics of well-designed places which contribute towards the themes for good design set out in the NPPF.

4.70 Relevant paragraphs I wish to highlight include;

Context

38 Context is the location of the development and the attributes of its immediate, local and regional surroundings.

39 An understanding of the context, history and the cultural characteristics of a site, neighbourhood and region influences the location, siting and design of new developments. It means they are well grounded in their locality and more likely to be acceptable to existing communities. Creating a positive sense of place helps to foster a sense of belonging and contributes to well-being, inclusion and community cohesion.

40 Well-designed places are:

- *based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;*
- *integrated into their surroundings so they relate well to them;*
- *influenced by and influence their context positively; and*
- *responsive to local history, culture and heritage.*

41 Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including:

- *the existing built development, including layout, form, scale, appearance, details, and materials;*
- *local heritage – see below – and local character – see Identity ;*

- *landform, topography, geography and ground conditions;*
- *landscape character, waterways, drainage and flood risk, biodiversity and ecology;*
- *access, movement and accessibility;*
- *environment – including landscape and visual impact, microclimate, orientation, flood risk, noise, air and water quality;*
- *views inwards and outwards;*
- *the pattern of uses and activities, including community facilities and local services; and*
- *how it functions.*

Others are non-physical, such as:

- *social characteristics, including demographics;*
- *economic factors; and*
- *the aspirations, concerns and perceptions of local communities.*

43 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:

- *the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;*
- *patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, grain, form and scale – see Built form;*
- *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 – see Identity.*
- *uses and facilities, including identifying local needs and demands that well-located new facilities may satisfy; and*

- *public spaces, including their characteristic landscape design and details, both hard and soft.*

4.71 Identity

51 Well-designed places, buildings and spaces:

- *have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;*
- *have a character that suits the context, its history, how we live today and how we are likely to live in the future; and*
- *are visually attractive, to delight their occupants and other users.*

53 Well-designed new development is influenced by:

- *an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;*
- *the characteristics of the existing built form – see Built form;*
- *the elements of a place or local places that make it distinctive; and*
- *other features of the context that are particular to the area – see Context. This includes considering:*
 - *the composition of street scenes, individual buildings and their elements;*
 - *the height, scale, massing and relationships between buildings;*
 - *views, vistas and landmarks;*
 - *legibility - how easy it is for people to find their way around;*
 - *roofscapes;*
 - *the scale and proportions of buildings;*

- *façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors, and their details;*
- *the scale and proportions of streets and spaces;*
- *hard landscape and street furniture;*
- *soft landscape, landscape setting and backdrop;*
- *nature and wildlife, including water;*
- *light, shade, sunshine and shadows; and*
- *colours, textures, shapes and patterns*

Tall Buildings Update 2019 (CD6.004)

4.72 This document is issued to inform the emerging Local Plan. Policy in previously discussed documents is reiterated, with the focus being on providing further information and clarity, rather than a change in policy.

4.73 It defines the heights of buildings thus:

- Low rise buildings: 1 – 3 storeys
- Medium rise buildings: 4 – 7 storeys
- Tall buildings: 8 – 14 storeys
- Very tall buildings: 15 storeys and above

4.74 Under the heading of Public Transport Accessibility Levels, page 20 makes the link between height and density:

"Tall buildings are capable of delivering a high population density which is best associated with good easy access to shops and services and good quality public transport links in order to provide sustainable forms of development [...]"

"[...] Any proposals for tall buildings should be considered in the light of their likely PTAL level. There should be a general presumption against tall buildings or other very dense forms of development in areas where the PTAL level is low."

The presence of existing tall buildings in a particular location is sometimes used to establish precedent for future tall buildings as part of Public Transport Accessibility Levels (PTAL) a cluster; however, in an area where there is a low PTAL rating it should be considered whether or not further development is appropriate or if public transport improvements can be reasonably incorporated.”

4.75 The Tall Building Guidance section (page 46) provides advice including:

“When considering proposals for tall buildings we must scrutinise the following:

- Public transport accessibility levels (PTAL) and potential to reduce the need to travel by offering a range of uses.*
- Existing and permitted building heights adjacent and around the site in question.*
- Siting within an Opportunity Area or designated Regeneration area.*
- Protected views that should be considered.*
- Conservation areas and the impact of height.*

The height, form and proportions of any tall building should respect and respond to the existing character and surrounding context. Proposals should use the Characterisation Study as a starting point for a 360° appraisal of the impact of the design of tall, medium-rise and very tall buildings on their surrounding area. Varying heights, proportion, silhouette and facing materials at the design stage may all help contribute to integration within the existing context and lessen any potential negative impacts.

The presence of an existing tall building does not necessarily mean that its replacement or a further tall building in the same area will be acceptable. [...]

[...] The cumulative visual and environmental impacts of the proposed and planned tall buildings in the area must be considered and assessed when developing proposals for tall buildings within identified suitable locations.”

North London Business Park – Planning Brief (2016)

4.76 The type of place envisaged by the brief is indicated in the first paragraph:

"The development of North London Business Park (NLBP) presents a significant opportunity to deliver housing growth in Brunswick Park creating a new suburban community." (1.1)

4.77 The brief requires development to respond to site topography:

"It is appropriate that development should respond to the contours within the site, avoiding significant changes in building heights which are accentuated by changes in land form [...]" (3.6)

4.78 Section 5 (Approach to redevelopment) covers issues such as urban design and character. Key statements include:

"The scale will need to consider the amenity of surrounding suburban housing, in particular Brunswick Park Crescent, Oakleigh Road North and from development on the higher ground to the north." (5.3)

"Local Plan policy DM5 sets out the Council's approach to managing tall buildings in Barnet. There is a clear direction that they should be restricted to strategic locations within the borough. As this site is not within a strategic location, tall buildings are not envisioned in this location. The implication of this policy is that development of 8 storeys or more in height will not be supported." (5.12)

"Density should have regard to Table 3.2 of the London Plan, which guides density in terms of the surrounding character of the area, and access to public transport. The NLBP is considered to be generally suburban, while the Public Transport Access Level (PTAL) is at present between 1-2. Therefore, density ranging between 35-95 units per hectare across the site is appropriate". (5.13)

5.0 APPROVED AND PROPOSED (APPEAL) SCHEMES

- 5.1 This section compares the approved (including inspector's findings) and proposed scheme to highlight key issues and differences pertinent to the appeal, i.e. covering layout/landscaping, height and visual impact.
- 5.2 The approved scheme (15/07932/OUT) is for a *"phased comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed use development. The detailed element comprises 360 residential units in five blocks reaching eight storeys, the provision of a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road and; the outline element comprises up to 990 additional residential units in buildings ranging from two to nine storeys, up to 5,177 sqm of non-residential floor space (use Classes A1-A4, B1 and D1) and 2.54 hectares of open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking. March 2017 RECONSULTATION Amended Plans: involving the provision of 10% Affordable Housing across the site with an overall increase in the proposed number of housing units from 1,200 to 1,350. The tallest buildings have been reduced in height from 11 to 9 storeys with some buildings along the boundary of the rail line increased from 7 to 9 storeys."*
- 5.3 The proposal is for a phased *"comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed use development. The detailed element comprises up to 452 residential units (Reduced from 461 as submitted) in five blocks reaching 9 storeys, the provision of a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road and the outline element comprises up to 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking"*.

Layout

- 5.4 The proposed layout is unchanged from the approved despite the context changing with regard to building heights having been increased:



Proposed Site Plan

Building Height

- 5.5 Key approved and proposed building heights are compared as follows which we understand is based on 3.2m per floor applied to the submitted Development Zones & Maximum Heights plan. This shows maximum building heights mostly increasing across the site, though especially to the core and adjoining the railway line where heights were already tallest in the approved scheme. Block 3A shows the biggest change from eight to thirteen storeys, followed by previously tallest blocks 4C, 5A and 5B which rise from nine to thirteen storeys. It should be noted, these blocks are on high ground relative to Brunswick Park Road by as much as 21m (equivalent to six and a half storeys) and therefore building heights would be particularly pronounced from the lower Brunswick Park Road area.



Key Approved Building Heights (top) and Proposed Building Heights (bottom)

5.6 It is important to appreciate the height of proposed heights from ground level rather than the above birdseye view which tends to give a misleadingly lower appearance. It is also noted that CGIs in the submission generally omit the taller buildings (at least from the foreground) and often show buildings a storey less than the above annotated birdseye view. Therefore, for reference please see views of example schemes with comparable heights to proposed taller buildings, noting examples are all Housing Design Award nominees and therefore generally represent best case scenarios:



Keybridge, Vauxhall – showing 10 storeys



50 and 65 Harbord Square, Canary Wharf – showing 11 and 12 storeys



Southmere Drive, Abbey Wood - showing up to 12 storeys



Park Hill Estate in Sheffield – showing 13 storeys



Faraday Works, Westminster – showing 11 storeys

- 5.7 It should be noted in both the approved and proposed schemes there are seemingly significant unexplained differences/unknowns in relation to number of storeys and building heights, shown/described in plans and documents which causes some confusion and concern, e.g. over the difference between parameters and indicative/proving heights, how this relates to proposed densities and whether we are consistently getting an accurate understanding of the respective schemes including in the all-important Townscape and Visual Impacts. For example, (i) the TVIA does not appear to clarify what building heights were used, and (ii) numbers of storeys shown in the Design and Access

Statement and Design Principles Document are often less than those possible under the Development Zones & Maximum Heights plan.

Visual Impact

- 5.8 This section undertakes a summary review of respective Townscape and Visual Impact Assessments (TVIAs), focusing on areas identified in the reasons for refusal. It should be noted the faint appearance of approved and proposed buildings often give a misleadingly reduced impact, whereas a more accurate picture is presented where buildings are properly rendered, e.g. view 7 from New Southgate Cemetery.

5.9 Fernwood Crescent - Approved buildings would rise relatively modestly on the skyline, rising just above the tree line and rooftops, whereas current proposals which are visible distinctly high rise, monolithic and urban in character would, irrespective of any future architectural qualities, present an inherently undesirably stark, oppressive, inelegantly formed, claustrophobic and imposing contrast to the spacious and tranquil predominantly 2 storey somewhat landscape characterized suburban context.



TVIA View 16: Fernwood Crescent (in order- existing, approved and proposed)

5.10 Denham Road – We are still awaiting (from the Appellant) TVIA views for Denham Road. In the meantime, similar issues as for Fernwood Crescent can be estimated based on the view from Barfield Avenue which is set further back from the site by approximately 170m, yet still shows proposed development to be starkly more imposing than that approved and excessively so considering the suburban setting. The impact will only be slightly reduced owing to the presence of a 4 storey building on Denham Road (currently the tallest in the area surrounding the site).



TVIA View 15: Barfield Avenue (in order- existing, approved and proposed)

5.11 Oakleigh Close - Again, the proposed high-rise urban character of development clearly looms inappropriately largely, grating with the otherwise low rise spacious suburban context. This represents a very significant change from that approved. The visual imposition would be increased further down Oakleigh Close from Oakleigh Road North, noting view 18 (below) is the furthest point.



TVIA View 18: Oakleigh Road North, looking along Oakleigh Close (in order-existing, approved and proposed)

5.12 Oakleigh Road North (this should be Oakleigh Road South) - Despite the faint presentation of proposed buildings and the camera position being somewhat down the hill, TVIA view 19 clearly shows an inappropriately imposing sense of urban monolithic massing in jarring conflict with the two storey suburban context. The approved view is arguably mitigated by the perception of there only being a lone, arguably slim and elegantly formed 'tall' building, whereas the current proposal would greatly widen the sense of tall buildings and create a bulky mass.



TVIA View 19: Oakleigh Road South (in order- existing, approved and proposed)

5.13 New Southgate Cemetery – TVIA View 7 more accurately indicates how buildings might look. This clearly shows a strong physical presence, despite the exact view position being somewhat obscured by trees. Proposed development appears as a large ungainly grouping of high-rise buildings which unattractively detract from the human scale suburban setting and the visual tranquility of what the Barnet Characterisation Study (p.104) highlights as “one of the great Victorian cemeteries.” Approved development appeared within the tree line and was therefore somewhat hidden, whereas proposed buildings would be very imposing above the tree tops.



TVIA View 7: New Southgate Cemetery, looking towards entrance gateway
(in order- existing, approved and proposed)

Design Review

5.14 Design Review was provided by Urban Design London's Design Review Panel in April 2021 prior to submission of the application in August 2021. Concerns were raised over the increased density of the scheme and changes to the internal layouts which on some buildings achieves more dwellings per floor than the approved scheme:

5.15 "With respect to the revised scheme the Panel is concerned about the quality of the proposal and does not consider that the proposed changes to the internal building layouts and the increased density across the site are currently justified on design grounds.

The Panel look forward to seeing the Scheme again as it progresses."

5.16 We are not aware of any substantive changes in relation to the above points and the appellant did not submit the scheme for a follow-on review despite the above prompt.

6.0 THE COUNCIL'S CASE

Harm to Local Character and Views

6.1 Views from the Townscape and Visual Impact Assessment (TVIA) clearly demonstrate that the suburban character of the local area would neither be reasonably protected nor complemented by proposed development. Evidence of the area's low rise suburban character is provided in section 3 including reference to the Barnet Characterisation Study.

6.2 The use of characterisation studies is promoted in national through to local planning policy. For example, in the Barnet Local Plan (Development Management Policies), supporting text to Policy DM05 Tall Buildings states:

"Applicants should use the Characterisation Study as a starting point for a 360° appraisal of the impact of the design of tall and medium rise buildings on their surrounding area. Varying heights, proportion, silhouette and facing materials at the design stage may all help contribute to assessing how to lessen negative impacts. The level of detail the applicant needs to provide will depend on the impact. Setting as well as the height can contribute to impact." (para.6.1.4)

6.3 The approved scheme was cleverly designed and presented to maximise the height, massing and density, without causing unacceptable conflict with the local suburban character setting. In my opinion it reached the very upper limit of what might be considered acceptable in response to the setting, policy context and wider planning balance in circumstances where different decision-makers might reasonably reach differing views on this point. Crucially, in response to identified views, it generally kept below tree tops or thereabouts, did not unreasonably impose upon skylines or immediate neighbours too glaringly or at least too often (e.g. view 11 Howard Close appears an exception), and used height variation to generally avoid the sense of height being perceived as too obviously wide and monolithic. The approved scheme is clearly different to the context, but it successfully argued that it did not represent excessive change and harm. Whilst the Council still disagrees with its approval via appeal, we understand why a different decision-maker was

able to reach a reasonable judgement that it was acceptable when weighed against the planning benefits.

- 6.4 By contrast, the proposed scheme often protrudes glaringly above the tree tops (e.g. see 5.15 New Southgate Cemetery), presents a wide and monolithic sense of tall buildings (e.g. see 5.14 Oakleigh Road North) and excessively imposes on the suburban skyline (e.g. see 5.11 Fernwood Crescent) It would be visibly high-rise, monolithic and urban in character, and irrespective of any future architectural qualities, presents an undesirably stark, oppressive, inelegantly formed, claustrophobic and imposing contrast to the spacious and tranquil predominantly 2 storey somewhat landscape characterized suburban context.
- 6.5 For further review of the TVIA, see 5.10-15.
- 6.6 As the Inspector will be well aware, it is important to recognise that LVIA's only tell part of the story with regard to visual impact. Visual impact is not just a collection of picture stills from surrounding streets and spaces. Visual impact is a lived and memorised experience, whereby neighbouring local people view and sense the development as they go about their lives and is often experienced kinetically, e.g. from their windows, garden and street, and on their trips within the local area including inevitably through the development. Also, just because somewhat distant high-rise development might technically sometimes measure the same height as close-up low-rise buildings in a picture, this ignores peoples' ability to decipher perspective and ascertain a real perception of proposed built height and massing. This feeds into a multi-dimensional and associated visual impression of a development which is also significantly influenced by its wider character impact, for example including its character within, impact on local suburban community and culture, night lighting, traffic, etc. Just as a person's perceived visual beauty and compatibility is influenced by their perceived personality, a place's visual beauty and compatibility (with local character) is influenced by local residents' wider experience. In this respect, it becomes even more clear that high rise urban development up to 13 storeys significantly conflicts with the local area's distinctly low-rise suburban character. The Inspector is invited to take this into account when examining the images and on the site visit.

- 6.7 We are not against different compatible development typologies being introduced into an area with a strong pre-existing character, and of intensification. We also fully support a design led approach to optimising site capacity. This can often contribute to the sustainability and rich diversity of an area. However, change needs to be carefully managed over time and typologies need to be sensitively matched and moderated according to the character tolerance levels of an area at any given time. Design, as defined in national through to local planning policy, is not just about dressing up predetermined height and massing. In accordance with planning policy, this is not about maximising capacity without controls. This is about optimising capacity, ensuring design quality standards in response to context are also reasonably met. A design led approach, means, amongst other things, the consideration of height, massing and townscape from the outset.
- 6.8 Proposed development involving a visibly significant condensed area of high-rise development for scant good reason would inherently be in stark incompatible conflict with the surrounding distinctly low-rise, spacious, low-key suburban location, relatively isolated with regard to local amenities and public transport. This would not be gentle intensification targeting a relatively sustainable location, but would instead be unwanted, aggressive and opportunist intensification.
- 6.9 The appeal scheme fails to demonstrate that the visual appearance of buildings will in any way exceptionally mitigate for excessive height and massing. Quite the opposite is evident. Apartment block proposals for the detailed element of the application are somewhat bland, standardised and generic. Furthermore, the outline element of the submission doesn't include a design code as promoted by policy, and instead relies on a Design Principles Document which lacks detail, variety and aspiration.
- 6.10 Independent Design Review raised concern over the design and density of the scheme, though we are not aware of any substantive changes being made to address these and no follow-on meeting was organized despite the prompt:

"With respect to the revised scheme the Panel is concerned about the quality of the proposal and does not consider that the proposed changes

to the internal building layouts and the increased density across the site are currently justified on design grounds.

The Panel look forward to seeing the Scheme again as it progresses.”

- 6.11 With regard to Policy D.3 of the London Plan, in respect of part 1, the scheme does not, in my view, enhance local context by positively responding to local distinctiveness relating to the low-rise suburban character in the identified surrounding streets. In respect of part 11, I do not consider that the scheme responds to the existing character, as found within the surrounding streets. The development is also in conflict with Core Strategy CS5 and DPD DM01 and DM05. In terms of national policy, it is in conflict with policies 129, 131, 132 and 135. It is also at odds with the National Design Guide paras 40, 41, 43, 51 and 53. The proposal is also contrary to the Residential Design Guide SPD.
- 6.12 With regard to existing and emerging policy on Tall Buildings, it is accepted that the “Master Brewers High Court Determination” (**CD8.004**) has clarified that part B of Policy D.9 does not act as a gateway to considerations under Part C and that the scheme outside of locally identified strategic locations can be judged on its own merits. The Inspectors’ interim findings and next steps letter (**CD6.002**) includes clarification that a main modification for conformity with the London Plan should be that sites outside the locations specified as potentially suitable for tall buildings will not be refused as a matter of principle but rather assessed against specified development management criteria (para.31).
- 6.11 As detailed above, I do not consider this site suitable for this level of tall building development, and the appeal scheme would not contribute positively to the character of the area.
- 6.13 In light of the above appraisal it is considered that the appeal proposal fails to reflect the height, scale, and massing of the surrounding residential scale buildings resulting in a harmful juxtaposition between the proposed buildings and the surrounding area. The proposed development would therefore be out of character with the existing low rise suburban development in surrounding roads. The scheme would also appear excessively dominating when viewed

from New Southgate Cemetery, considerably over and above the impact from the extant schemes. In my view the proposal would therefore conflict with policies Policy D3 and D.9 of the London Plan (2021); Policies, CS5, DM01 and DM05 and national policy within the NPPF.

- 6.14 It is notable that at the under the recent appeal determination at “Victoria Quarter” (**CD6.006**), which the council would consider to have a similar character to that around this appeal site, the Inspector concluded that the introduction of buildings up to seven storeys would cause harm to the character of the area;

....“Overall, I consider that the sheer scale of the proposed development would cause a dislocation within the area, inserting an alien typology of larger mass and scale and disrupting any sense of continuity between the areas to the west and east of the site”.....

- 6.15 It is the Council’s position that the scheme is harmful to the character and appearance of the area. The proposal is in conflict with policy D3 and D9 of the London Plan (2021) and Policies CS NPPF, CS5 and DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (2012). I therefore consider the appeal scheme in conflict with the Development Plan overall. Whilst I acknowledge the benefits of the scheme, addressed in the Proof of Evidence of my colleague Tania Sa Cordeiro, this is outweighed by the conflicts with the Development Plan.

- 6.16 On 19 December 2023, the Government published its revisions to the National Planning Policy Framework (“NPPF”). The revised NPPF sets out the Government’s planning policies and how these will be applied.

- 6.17 With regard to this appeal, the revised NPPF also contains new drafting on protection from “*out of character*” residential development. Paragraph 130 states:

“130. In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be

evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan.”

6.18 It is the Council’s position that the proposal is wholly out of character in terms of the level of development proposed, and para. 130 of the NPPF provides further, recent policy support that the Member reason for refusal can be substantiated.

7.0 DECLARATION

The evidence I have prepared and provided for this appeal is true and has been prepared in accordance with the guidance of the appropriate professional institutions. I confirm that the opinions expressed are my true and professional opinions.