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## Appeal Decisions

Site visit made on 12 August 2019

**by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 September 2019**

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**Appeal Ref: APP/N5090/C/18/3219427**

**157 Ballards Lane, London N3 1LJ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr M Vahedi against an enforcement notice issued by the Council of the London Borough of Barnet.
  - The enforcement notice was issued on 21 November 2018.
  - The breach of planning control as alleged in the notice is the erection of a first storey rear wooden extension on the flat roof of the brick building to the rear of the property.
  - The requirements of the notice are 1) demolish the unauthorised first storey rear wooden extension on the flat roof of the brick building to the rear of the property.
  - The period for compliance with the requirements is 3 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. The appeal is dismissed and the enforcement notice upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Reasons

#### ***Ground (a)***

2. The development plan includes Barnet's Local Plan (Core Strategy) [CS] and Barnet's Local Plan (Development Management Policies) [DM]
3. CS Policy CS1, amongst other things seeks the highest standards of urban design. CS Policy CS5 requires all new development to respect local context and distinctive local character, creating places and buildings of high quality design. DM Policy DM01 indicates that all development should represent high quality design. Proposals should preserve or enhance local character and respect the appearance of surrounding buildings.
4. The area has a mixed character, being part of a row of commercial premises that front on to a vibrant shopping area. The buildings forming the shopping area are of mixed design and generally provide an attractive urban environment. The standard of design to the rear of some of the premises is fairly low in places, some such as next door to the appeal property with a large two storey flat roof extension taking up most of the rear area and on the other side a large single storey extension taking up its rear area. To the rear of the shops is a residential area where houses and their gardens face towards the appeal site and have good views of it.

5. While I accept the design of past rear extensions is poor, that does not mean future extensions should be of the same quality, that would just lead to a general deterioration in the standard of design in the area and the Council's policies are that high standards of design are required for new development. It is important here as there are a number of premises that overlook the rear of the appeal property and should expect reasonable design standards.
6. The appeal development is extremely poor, appearing to be wooden shed set on the flat roof of an existing building. It has a utilitarian appearance and is alien and incongruous in the context of the adjacent buildings and is not of even a reasonable standard of design, let alone the 'highest'.
7. I accept that there are other rear extensions on adjacent properties and that some form of first floor extension may be acceptable here, but that is a matter for a planning application, so that it can be properly considered. What has been built is of such poor design it is unacceptable, and the presence of the adjacent buildings does not mitigate the harm of it or make it acceptable. I also appreciate that it is important to the business, which is to be strongly encouraged through policies, but what has been provided is so poor the benefit of it does not outweigh the harm.
8. The development conflicts with CS Policies CS1 & CS5 and DM Policy DMO1. The appeal on ground (a) fails and the deemed planning application will be refused.

*Graham Dudley*

Planning Inspector