



Appeal Decision

Hearing Held on 13 October 2021 and 16 November 2021

Site visit made on 13 October 2021

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Appeal Ref: APP/N5090/C/21/3270746

Land between 157 and 159 Holden Road, London N12 7DU

- 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 Choice Place Limited against an enforcement notice issued by the Council of the London Borough of Barnet.
- The enforcement notice was issued on 19 January 2021.
- The breach of planning control as alleged in the notice is: Without planning permission, the construction of a three-storey building containing 6 self-contained flats.
- The requirements of the notice are
 1. Demolish the three-storey building
 2. Remove all constituent parts, waste and materials caused by the action of condition 1 above.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been made on ground (a), the application for planning permission deemed to have been made under section 177(5) of the Act as amended is deemed to have been made.

Summary of Decision: The appeal is allowed on ground (a), the enforcement notice is corrected prior to being quashed and planning permission is granted in the terms set out below in the Formal Decision

Background Information

1. Planning permission¹ (the previous planning permission) was granted on the 4 July 2018 for the *"Demolition of 2 no storey semi-detached houses and erection of a three-storey block to provide 6 self-contained flats, provision of six car parking spaces and ten cycle spaces, amenity space provision and associated refuse and cycle storage."* However, an issue subsequently arose about the approved plans. The road slopes downwards from Holden Heights (No 161) towards No 157 and the approved street scene drawing accurately depicted the development in terms of scale as following that slope, but neighbouring buildings are shown as being larger than they are in reality. The plan discrepancy means that the development, as built, can never replicate the street scene as illustrated in the approved plan.
2. An application for a Certificate of Lawful Development (the LDC) to establish that the development accorded with the terms and conditions of

¹ 18/1845/FUL

the previous planning permission was refused and an appeal against that decision² was dismissed on the 31 March 2020. A subsequent challenge to that decision in the High Court³ was dismissed and led to the withdrawal of the ground (c) originally made as part of this appeal as the Council had served the enforcement notice prior to the High Court decision being issued in April 2021. Within this appeal, the parties disagree as to the status of the previous planning permission and the extent to which I can rely upon it as a relevant consideration.

3. The Council does not agree with the appellant's view that a distinction exists between a quashed permission and one that has been found to be not capable of implementation or that the previous planning permission can represent a fall-back position. A quashed planning permission is to my mind the equivalent of that planning permission having never existed. Whilst the planning permission does still exist, the reality as confirmed by Justice Dove in paragraph 25 of his judgment is that the development is not capable of being implemented in accordance with the approved drawings. In that sense, the development as approved cannot represent a "fall-back position" as there is no realistic prospect of the fall back's implementation.
4. The Council was prepared to grant planning permission for an apartment block in this location provided the building followed the sloping line of the surrounding buildings is the extent to which I consider the previous planning permission to be relevant.

Procedural Matters

5. The breach alleged is that "Without planning permission, the construction of a three-storey building containing 6 self-contained flats." However, third party comments had referred to the building as being four storeys high. At the hearing, the parties agreed that the breach is more accurately described by adding the words "with living accommodation in the roof space". As this is a minor correction, no injustice is caused to any party by adding those words. The corrected allegation is as follows: "*Without planning permission, the construction of a three-storey building containing 6 self-contained flats with living accommodation in the roof space*".
6. The London Plan 2021 was published in March 2021 and details of relevant policies were discussed with both parties at the hearing. The Council had referred to Policies D3 and D4 of the London Plan in its evidence but in the latter stages of the appeal provided details of a number of other policies and also sought to rely upon additional paragraphs of the National Planning Policy Framework (the Framework). Whilst the London Plan is part of the development plan, a number of policies that the Council now seeks to rely upon relate to wider issues such as plan making and housing standards.
7. I will therefore focus on the London Plan policies that are most relevant to the issues before me. I will adopt the same approach with the additional Framework paragraphs. Although the Council has also made reference to the emerging Barnet Local Plan 2020, it has not yet been adopted and I have no details of the extent of any unresolved objections and therefore attach limited weight to it. Barnet's Local Plan 2012 remains in force and is

² APP/N5090/X/19/3240096

³ Choiceplace Properties [2021] EHC 1070(Admin)

made up of the Barnet Core Strategy (2012) and Barnet's Development Management Policies DPD (2012)

The appeal under ground (a) and the Deemed Planning Application (the DPA)

Main Issues

8. The main issues are (i) the effect of the development on the character and appearance of the streetscene and (ii) the effect of the development on the living conditions of neighbouring occupier at No 157 with particular regard to outlook and overlooking.

Reasons

Character and Appearance

9. Holden Road is made up of a mix of largely detached dwellings and apartment blocks. To the south of the appeal site, No 157 is a detached family dwelling which is on the corner of Holden Road and a side street which is called Laurel View. To the other side of the appeal site, there are two apartment blocks, namely Risegate Lodge (No 159) and Holden Heights (No 161) which is a substantial triple fronted 4 storey block of 16 apartments with a flat roof with car parking. No 161 is in a prominent location on a curve in the road.
10. The road slopes down from no 161 towards No 157 and prior to the development taking place, the buildings followed that slope with No 161 being the highest building. There are also differences in the ground levels from front to rear of these buildings with a significant slope down towards dwellings on Laurel View. The presence of Laurel View along the side of No 157 and the absence of any development to the far side of No 161 does mean that these buildings together with the appeal building and No 159 are most visually connected in terms of assessing the street scene.
11. The Council confirmed at the hearing that its concerns about character and appearance relate solely to the front of the appeal building as viewed along this section of Holden Road. The Council is of the view that the height of the development should follow the sloping line of the surrounding buildings and in particular that the appeal building should be lower than No 159. However, a drawing supplied by the Council as part of its evidence with a superimposed line across the top of the relevant buildings does show the appeal building in situ as being lower than No 159.
12. On site, the natural slope of the road means that makes it difficult to reach a definitive view on height comparisons. In some views, the appeal building it appears higher and in others lower but the differences are slight, and standing directly across the road, any height difference is not significant and would not be obvious to passers-by. The scale and elevated position of no 161 at the highest point of this section of Holden Road does makes it the visually dominant building in this group of four buildings due to its scale, square design and elevated position.
13. The appeal building does not look out of place next to the two apartment buildings at No 159 and No 161. The overall appearance of the appeal building is of a modern block with a glazed front roof feature. No 157

remains as a family dwelling but sits in a large corner plot and has significant mature hedging and trees to the side and front of the dwelling itself. There are limited views of the dwelling at No 157 from the front of the road due to the extensive tree screening which makes a visual comparison with the appeal building as part of the street scene difficult.

14. Given the corner location of No 157, I do consider that is likely that the existing tree screening is likely to remain irrespective of what development takes place at the appeal site. There is a Tree Preservation Order (TPO) that covers part of the front of No 157 and the development that was made in 2005. However, whilst still in force, the age of the TPO makes it difficult to identify specific trees on site although the parties did agree that the existing large tree to the front of the appeal site is likely to be covered by the TPO and will remain in any event.
15. The height of No 157 can be seen from the rear and it is lower than the appeal building but the height difference between either the appeal building and no 157 and the appeal building do not in my view materially harm to the character and appearance of this part of the streetscene. Whilst I understand that the Council wishes the buildings on this part of the road to retain the natural slope of the road, the height of the development fails is not significant enough to create an imbalance when in some views from the front the development is lower than No 159 as shown in the Council's photograph.
16. The Council indicated at the hearing that their concerns with regard to scale, size and mass arise directly from the issue with the height. In terms of scale and mass, the appeal building is not dissimilar in scale and mass to No 159. Both have car parking areas to the front, are set down in their plots and have pitched roofs compared to the flat roof of No 161. Having found that the height difference is minimal, I do not share the Council's view that the height difference then automatically results in issues with scale, size and mass.
17. There are already two apartment blocks on this section of the road and the general character of Holden Road is a mix of dwellings and apartment blocks. The Council's view is that the height difference compared to the previous planning permission distorts the appearance of the building and for example changes levels of windows. However, the Council's issues with the appeal building are based on its perceptions of differences between the existing development and what was approved in the previous planning permission.
18. The appeal building has to be assessed as a new development and the height of the building and the scale, mass and size have to be considered afresh rather than solely on a height difference. Apart from the distortion concern and the perceived height issue, the Council was unable to elaborate at the hearing why the development on terms of the streetscene was unacceptable in terms of scale, mass and size. Although the Council has referred to design policies, the Council does not indicate what its design concerns are. From the front, the windows do not appear distorted or out of place, they simply form part of a new building. Both No 159 and 161 have a number of windows to the front and in comparison the appeal building has six across the first and second floor. In terms of style of

building, whilst No 161 has a flat roof and is considerably wider than the appeal building, the roof styles and design of the appeal building and No 159 are more in keeping with each other.

19. I find that the development does not represent over dominant, nor is it incongruous in the street scene nor does it fail to respect the established character and appearance of the street scene. It does not conflict with the aims of Policy DM01 of Barnet's Development Management Policies DPD (2012) or Policy D3.D(1) of the London Plan which collectively refer to preserving and understanding local character. It is also not in conflict with Policy CS5 of the Barnet Core Strategy (2012) and the Barnet's Residential Design Guidance Supplementary Planning Document (2016) which, amongst other things, collectively seek to respect local context. It is not contrary to Paragraph 130 of the Framework which provides that planning decisions should ensure that developments function well and are sympathetic to local character.

Living conditions

20. The Council's reasons for issuing the notice include impact upon the amenity of neighbouring occupiers particularly No 157 Holden Road and the enjoyment of their garden. The development's relationship between No 1 Laurel View whose garden backs on to the development is not specifically referred to in the reasons for issuing the notice or the Council's evidence. At the hearing, the Council confirmed their view that No 157 was the only property where it considered that significant harm to living conditions is an issue and that their concern was limited to outlook and overlooking arising from the height of the ground floor projection and the use of its flat roof by occupiers of the first floor of the appeal building. However, I will refer to living conditions of No 1 and No 159 where relevant.
21. No 157 has a sitting out area to the rear of their dwelling and the building line of the appeal building is beyond the built development of No 157. When the occupants use this area, their view towards the appeal building is of the top section of the projecting single storey element which forms part of the ground floor flat of the appeal building which is over 3 metres high and can be seen above the side boundary fence. Whilst the appellant considers that this part of the appeal building is sufficiently far enough away from the sitting out area to not cause harm due to loss of outlook for the occupiers of No 157, the sitting area is very modest and is the only area of outside space that benefits from sunlight as the front garden has dense tree covering on all boundaries presumably to provide privacy in a corner location. In addition, occupiers of No 157 and No 1 in their objections refer to the use of the flat roof of the single storey element for domestic activities such as barbecues, playing music and hanging out washing with the associated noise. This issue is compounded by the height of the single storey element.
22. I therefore do find that there is harm to living conditions of neighbouring occupiers due to both the height and use of the first floor element. However, it is reasonable to consider whether suitably worded conditions can be imposed on a grant of planning permission to control the development to safeguard the residential amenities of the neighbours.

23. The appellant has suggested a condition requiring a reduction to the height of the single storey element would mitigate that harm. In terms of the extent of the reduction, that is limited by the presence of pipework and the parties are in agreement that a reduction of 0.20 metres could be achieved. It may also be the case that landscaping on the boundary between No 157 and the appeal building and No 1 and the appeal building in the event of an approval may provide some further mitigation but the Council was clear that a reduction does overcome their concerns and I share that view. However, I do not consider that the converse is true and that landscaping alone would be sufficient to mitigate this element of harm.
24. A suitably worded condition can prohibit the use of the flat roof for domestic use and restricting access to the flat roof by locking doors and lower level windows does mitigate this element of harm. The reduction in the height of the first-floor element will also make it less accessible for occupiers of the development at first floor level and reduce any sense of enclosure and loss of privacy. Obscure glazing to a number of rear windows would also further mitigate any overlooking including for No 1 given that the garden of No 1 shares a boundary with the development.
25. Potentially, these conditions together with the other suggested conditions could be imposed to overcome the harmful impact of the development. If conditions were not imposed, then planning permission would have to be refused. I shall consider the suggested conditions next.

Conditions

26. The Framework indicates local planning authorities should consider whether otherwise unacceptable development could be made acceptable using conditions. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.
27. The conditions provided essentially replicated the conditions attached to the previous planning permission but need to reflect the retrospective nature of the development where proportionate and be compliant with the Planning Policy Guidance and meet the statutory tests. In the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding matters because the development has already taken place.
28. Some conditions therefore provide for the loss of the benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the conditions, approved (either by the local planning authority ("LPA") or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the timetable, then the operational development permitted would have to be removed.
29. It would not be appropriate to suspend the use until the conditions are met as the notice as the notice primarily attacks the construction of the building and suspending the use until the requirements are met is open ended and could leave the building empty for an indefinite period. However, for that

reason and given that the building is in use, a proportionate view has to be taken as to which conditions require the sanction of demolition. The Council's view was that a number of the conditions proposed did not require that sanction and could be remedied by serving a breach of condition notice and I agree that a proportionate view has to be taken as to which conditions require that sanction. The sanction is appropriate where submission of schemes is required as it is important that a strict timetable is adhered to when these matters would normally have been resolved pre development.

30. Conditions relating to enclosure and boundary treatments, cycle storage, parking spaces, landscaping, are matters that need to be addressed to protect the character and appearance of the area. The occupation of the appeal building also means that matters such as parking and recycling and refuse collection are taking place but conditions are still required to formalise arrangements and also to ensure that details as approved would exist for the life of the development.
31. Landscaping has not yet been carried out and is a matter that needs to be addressed again to protect character and appearance particularly to the front where landscaping was effectively put on hold as a result of the issues with the previous permission. Landscaping to the rear to the boundaries with No 1 and No 157 has a role to play in mitigating any living condition concerns and landscaping to the front will soften the appearance of the parking area was discussed at the hearing. Whilst a separate condition had been proposed in relation to creating a box hedge for the garden area to Flat 1, this matter can be more appropriately addressed as part of a landscaping condition which covers the whole of the development.
32. Conditions relating to tree protection are necessary to ensure that the large tree to the front of the appeal building remains and is protected whilst any work is carried out in the vicinity of the tree as part of compliance with the conditions. Whilst the parties consider it likely that the tree is protected by the Tree Preservation Order, the age of the TPO means that it is difficult to identify firstly what trees are protected of the TPO and which of those trees remain.
33. A number of conditions relate to the rear of the development having regard to the living conditions of nearby occupiers. They include the reduction in height of the single storey element and restricting the use of the roof of that element to repair and maintenance of the building and to prohibit use as a balcony or a sitting out area or for hanging out clothes. The conditions also restrict access to the roof of the single storey ground floor projection with a combination of measures including permanently retaining the existing balustrade railings that exist across the glazing at first floor level to prevent access and permanently shutting the bottom half of the existing sash window.
34. The conditions also provide for a number of windows to the rear to be obscure glazed as none of the rear windows are currently obscure glazed. Whilst I agree that permanently shutting doors and lower parts of windows on the first floor can be conditioned to restrict access to the first floor projection, I do not consider that permanently shutting windows at any higher levels is necessary or appropriate. The issues referred to by

objectors relate to a sense of enclosure and overlooking which the installation of obscure glazing is intended to mitigate. However, noise is said to be an issue relating to use of the ground floor projection rather than a wider issue of noise from inside the building at higher levels.

35. A condition requiring obscure glazing and permanently fixing higher level window to the side of the development with No 159 was discussed by the parties as the boundary fence between No 159 and the development prevents views at ground floor level. However, I do not consider that either requirement is necessary. Whilst it is the case that the grant of planning permission runs with the land, the owner of No 159 supports the development and I do not consider that overlooking from the higher levels of the development is significant enough to warrant the need for obscure glazing or permanently shutting any side windows.

32. Conditions relating to the use of water and carbon dioxide emissions are necessary to ensure the efficient use of water and to ensure the development is sustainable and reduces carbon dioxide emissions. For all the above reasons, I find that suitably worded conditions can be imposed to make the development acceptable in planning terms.

Other Matters

36. Objectors including the occupier of No 1 refer to issues such as the length of time that the development took to build and associated noise and disruption during the construction period. These matters together with the Council's decision to grant the original planning permission despite objections are not matters that fall within my remit in determining the appeal. Whilst, comments were made about the development causing flooding, neither the Council nor the appellant was aware of any specific flooding issues arising from the development. Different views were also expressed as to whether the appeal building should be demolished, with some objectors were in favour whilst others were concerned about the upheaval that demolition would cause. There was some support from the development including from the owner of No 159 and one occupier of the appeal building. I have taken these matters into account where relevant in reaching my decision.

37. Objectors to the development also include Theresa Villers MP as well as a local councillor. Both refer to the history of the matter including the previous appeal and the High Court action. They are particularly concerned about developers constructing buildings without planning permission and the danger of setting a precedent allowing others to follow and build without planning permission. However, the previous proceedings addressed a separate matter namely whether or not the previous planning permission was capable of implementation.

38. After the plan issue was discovered, the appellant still believed it had the benefit of planning permission and the outcome of that argument was only known after the High Court decision which was issued after the enforcement notice was served. When any enforcement notice is served against any building, that building already exists and the grounds that the appellant can pursue on appeal include applying for planning permission where the planning merits of the development have to be assessed.

39. It remains the case, however, that every appeal decision whether for a proposal or existing development is assessed upon the particular circumstances and merits that apply in each case so that any single decision based upon planning merits of a particular site is very unlikely to create a wider precedent for other developments.

Planning Balance and Conclusion on ground (a)

40. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development safeguards the character and appearance of the streetscene. In addition, the appeal building is currently occupied by 6 families who have been in occupation since August 2021. I consider the provision of accommodation for 6 families is a significant benefit that weighs in favour of the development. The development is also in a sustainable location in an established residential area with good transport links including an underground station nearby to which significant weight is given.
41. While the grant of planning permission results in harm to the living conditions of nearby occupiers, I have found that suitably worded conditions would significantly mitigate this harm and to this finding I attach considerable weight. Accordingly, for all the above reasons, I find that the development would, subject to conditions, not materially conflict with the development plan as a whole. I have already found that the development does not materially harm the character and appearance of the street scene. Subject to appropriate conditions, it would also not be in conflict with Policy DM01 of Barnet's Development Management Policies DPD (2012) which, refers amongst other things, to ensuring adequate outlook for adjoining occupiers.
42. I find Policy CS5 of the Barnet Core Strategy (2012) to be less relevant to the issue of living conditions than the other named policies. Similarly, subject to appropriate conditions, the development is not in conflict with Barnet's Residential Design Guidance Supplementary Planning Document (2016) which, amongst other things, refers to safeguarding residential amenity including outlook. The development would also not be in conflict with Paragraph 130 (f) of the Framework which refers to a high standard of amenity .

Overall Conclusion

43. For the reasons given above, I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on ground (g) does not therefore need to be considered.

Formal Decision

44. It is directed that the enforcement notice be corrected by the addition of the words "with living accommodation in the roof space" to the allegation. Subject to this correction, the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely" the

construction of a three-storey building containing 6 self-contained flats with living accommodation in the roof space” subject to the conditions in the attached Schedule with Photograph.

E Griffin

INSPECTOR

Schedule of Conditions

1. a. The development hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i. Within 3 months of the date of this decision a scheme for hard and soft landscaping and enclosure and boundary treatments to include details of the garden for Flat No 1 including pedestrian path, and details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii. If within 5 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv. The approved scheme shall have been carried out and completed in accordance with the approved timetable.
 - b. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained and retained for the life of the development
 - c. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
2. a. The development hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i. Within 3 months of the date of this decision a scheme with details of cycle parking spaces and storage facilities shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii. If within 5 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv. The approved scheme shall have been carried out and completed in accordance with the approved timetable.

- b. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained and retained for the life of the development
 - c. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 3. a. The development hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i. Within 3 months of the date of this decision a scheme with details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii. If within 5 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv. The approved scheme shall have been carried out and completed in accordance with the approved timetable.
- b. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained and retained for the life of the development
 - c. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 4. Within 3 months of the date of this decision, the parking spaces shown on Drawing No 06 Rev A shall be provided and retained thereafter and shall not be used for any purpose other than parking of vehicles in connection with the appeal building. Parking space 1 is to be allocated to unit 2.
- 5. Within 2 months of the date of this decision,
 - i) the existing sash window at the rear at first floor level, (as shown and edged blue on the photograph) shall have the bottom half, permanently fixed shut and shall be permanently retained as such thereafter.
 - ii) the door at the rear at first floor level (as shown and edged yellow on the photograph) shall be glazed with obscure glass only and be

permanently fixed shut and shall be permanently retained as such thereafter.

iii) the parts of the rear windows (as shown and edged green on the photograph) shall be glazed with obscure glass only. The windows edged in green on the first floor only shall be permanently fixed shut and shall be permanently retained as such thereafter.

6. Within 3 months of the date of this decision, the height of the walls of the existing single storey rear projection shall be reduced by 0.20 metres to a height of 3.1 metres.
7. No operational development or works required to comply with a condition of this permission shall take place until a tree protection plan and arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. All work comprised in the approved tree protection plan and arboricultural method statement shall be carried out before any other operational development occurs and be retained until the completion of the works.
8. The roof of the single storey rear extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden, sitting out area or an area to hang out clothes. The existing balustrade railings across the doors at first floor level at the rear (as shown and edged red on photograph 1) shall be permanently retained for the life of the development.
9. The building shall retain carbon dioxide emission reduction measures which achieve an improvement of not less than 10 per cent in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations and these shall be maintained in for the life of the development.
10. The units shall comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings-based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such for the life of the development.

APPEARANCES

Amir Naghib
Ray Gabriele

Appellant
Appellant

FOR THE APPELLANT:
Joe Henry

Director
Henry Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY:
London Borough of Barnet
Jim Tottle-Nugent
James Gould
Denise Patten

Planning Enforcement
Planning Enforcement
Deputy Planning Manager

INTERESTED PERSONS IN ATTENDANCE
Fenil Khiroya
Councillor Caroline Stock(by telephone)

Neighbour

Documents submitted after the hearing

Tree Preservation Order 2005
List of conditions
List of London Policies
Updated Consultation List
Written statements of Fenil Khiroya, Councillor Caroline Stock, Melanie Morley and
Theresa Villers MP