
Appeal Decision

Site visit made on 18 February 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th March 2025

Appeal Ref: APP/N5090/W/24/3352728

7 Holders Hill Road, Church End, Barnet, London NW4 1JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Aron Nezri against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 22/3917/FUL.
 - The development proposed is two storey part rear extension and two storey side extension with a loft conversion to create five self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice and the appeal form describe the development as follows: 'Conversion of the existing dwelling into 5no. self-contained flats including part two storey front extension, first floor side extension, garage conversion, single storey side extension following demolition of existing garage, part single storey and part two storey rear extension. Roof extension involving rear dormer window, 2 nos. front facing and 2 nos. side facing rooflights. Fenestration changes on flank elevations. Associated off-street parking, cycle parking, refuse and recycling store and amenity space.' This is a more accurate description of the proposed development, and I have determined the appeal on this basis.
3. The Council has confirmed that the Barnet Local Plan 2021-2036 was adopted on 4 March 2025 (the BLP). Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. The appellant is aware of the adoption of the BLP and has had the opportunity to comment upon its relevance to the appeal.

Main Issue

4. The main issue is whether the appeal site would be suitable for the proposed development, having regard to its Public Transport Access Level (PTAL) rating and the development plan.

Reasons

5. The appeal site relates to a large detached two-storey dwellinghouse located in Holders Hill Road. The surrounding area contains a mix of uses including places of worship, schools and residential accommodation, including flats and two storey houses.

6. Policy HOU03 of the BLP sets out a criteria-based policy relating to residential conversions and the redevelopment of larger homes.
7. Criterion A of the policy requires sites proposed for residential conversions to have an existing or planned PTAL of 3-6 or be located within 800 metres walking distance of a station or town centre boundary. The appeal site has a PTAL of 1b and is situated in excess of 800 metres to the nearest town centre. As such, the proposal would not be located in an area with good public transport or easily accessible to local services.
8. The appellant contends that Policy H1 of the London Plan (March 2021) (the LP) does not necessarily restrict development outside of areas with PTALs of 3-6 or within 800 metres of a station or town centre boundary. However, Policy HOU03 of the BLP specifically relates to proposals for residential conversions in Barnet and is clear that they must satisfy the listed policy criteria.
9. Although the supporting text to Policy HOU03 indicates that the Council's preferred locations for the form of development proposed are sites that have a PTAL of 3-6 or are located within 800 metres of a station or town centre boundary, case law¹ establishes that the supporting text in a local plan does not carry the same weight as policy itself. As such, the starting point for decision-making is the policy itself.
10. While the appeal site is in a residential area with bus stops nearby, which are served by the number 240 bus, it nonetheless has a PTAL of 1b indicating very poor access to public transport.
11. I am not convinced that the provision of development plan compliant levels of cycle parking would act as a sufficient deterrent to dissuade residents from owning and using a private car for their day-to-day needs, particularly as the appeal proposal includes five car parking spaces and has a PTAL of 1b.
12. The appellant has drawn my attention to two appeal decisions² where the sites had a PTAL of 1a and 1b. However, these appeal decisions pre-date the adoption of the BLP. For the avoidance of doubt, the starting point for decision-making at this point in time is the development plan presently in place.
13. For the reasons given, the appeal site would not be suitable for the proposed development, having regard its low PTAL rating. Consequently, the proposal would conflict with Policy HOU03 of the BLP.

Other Matters

14. The appellant contends that the Council has not justified its reason for refusal on highway safety grounds. However, highway safety did not form part of the Council's reason for refusal, and the Council did not raise any issues in relation to this matter.

Planning Balance and Conclusion

15. The proposal would deliver four additional dwellings, contributing to Barnet's housing supply. This would support the Government's objective of significantly boosting the supply of homes and making use of small and medium sized sites which can make an important contribution to meeting the housing requirement of

¹ Rectory Homes Ltd v Secretary of State for Housing, Communities and Local Government (2020) EWHC 2098 (Admin)

² Ref. APP/N5090/W/23/3333693 and APP/N5090/W/24/3336975

an area. However, given the small scale of the development, these benefits would be modest and carry moderate weight in favour of the proposal.

16. Compliance with the Building Regulations and the development plan in relation to criterion B to G of Policy HOU03 of the BLP, outdoor amenity space, internal floor space, outlook, daylight, noise and disturbance, cycle parking, the design of the proposed extensions and the local Community Infrastructure Levy are expectations for all development that weigh neither for nor against the proposal and is considered neutral in the planning balance.
17. The appeal site has a PTAL of 1b indicating very poor accessibility to public transport. As such, the proposal would not accord with the development plan, when considered as a whole.
18. The adverse impacts of the proposal are matters of significant weight against the grant of planning permission and material considerations, including the stated benefits, do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above, the appeal should be dismissed.

U P Han

INSPECTOR