



Appeal Decision

Site visit made on 24 March 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2025

Appeal Ref: APP/N5090/W/24/3356130

51 Fernside Avenue, Mill Hill, Barnet, LONDON NW7 3AX.

- 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 Samia Mazhary, against the decision of the Council of the London Borough of Barnet.
 - The application reference number is: 24/1067/FUL.
 - The development proposed is described as 'new 2 storey dwelling proposed which would be attached to the north elevation of the host building following demolition of the existing garage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council of the London Borough of Barnet adopted a new Local Plan on 4 March 2025. The Council has confirmed that the policies from Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012) and Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012) referred to in the Decision Notice have been superseded by policies from the Barnet Local Plan 2021-2036 (March 2025) (the Local Plan). The main parties to this appeal were provided with the opportunity to comment on the new Local Plan as part of the appeal process.
3. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. Policies referred to in the reason for refusal, relating to the planning application subject to this appeal from the Barnet Local Plan 2012, are no longer in force. The corresponding policies in the Local Plan are Policies GSS01, CDH01 and HOU03.

Main Issue

4. The effect of the proposed development on the character and appearance of the area.

Reasons

Character & Appearance

5. The appeal site is located in a suburban area predominantly characterized by two-storey semi-detached houses surrounded by ample gardens and open spaces. Other types of dwellings, such as flats, are present, but they are designed as small blocks that mimic the appearance of large semi-detached houses and are similarly set back from the street and junctions. Trees lining the footpaths soften the

relatively uniform built form of the dwellings in the street scene. Junctions between residential streets are typically open and dwellings are set back from the property boundary with the highway (footpath) to the side. This supports a sense of spaciousness and greenery underpinned by the deliberate ordered pattern of development. Overall, these factors result in a pleasant residential character and appearance.

6. The host dwelling no.51 reflects and typifies these factors and therefore, presently makes a positive contribution towards the character and appearance of the area at a prominent corner point with Westmere Drive
7. The proposal involves alterations to an existing two-storey dwelling and the construction of a new attached two-storey dwelling on land currently partially occupied by a garage serving the original house. The proposed development would extend the block of two semi-detached houses, including their elevations and roofline, toward Westmere Drive, which runs broadly perpendicular to Fernside Avenue, engaging a similar design approach.
8. The siting of the proposed dwelling would harmfully undermine the established pattern of development. Although it would align with the building line of existing houses on Fernside Avenue, it would significantly extend laterally beyond the front building line of properties on Westmere Drive which are set back a considerable distance from the highway.
9. The appellant has pointed out that the building at 53–55 Fernside Avenue also extends beyond the established building line of Westmere Drive on the opposite side of the street junction from the appeal site. Nevertheless, the projection forward of the building line in that instance is less pronounced than in the appeal proposals. The building at 53–55 Fernside Avenue maintains an approximate two-metre setback from the property boundary, whereas the appeal proposals would see construction directly up to the property boundary (footpath) with Westmere Drive.
10. Furthermore, the existing projection forward of the building line at 53–55 Fernside Avenue, combined with the proposed projection at the appeal site, would result in a sense of enclosure at the junction, giving it a more urban rather than suburban character. Such a configuration would starkly contrast with the spaciousness of street junctions prevalent in the surrounding area and would be out of keeping with, and detrimental to, the overall character and appearance of the locality.
11. In addition, the proposal would result in three dwellings being joined together as a single block. This represents a notable departure from the prevailing form of development, which is characterized by pairs of semi-detached properties or small blocks of flats mimicking this form. Even if suitable external materials were employed, the resulting scale and massing of this small, terraced block would appear somewhat incongruous within the surrounding context and would fail to align with the existing character and appearance of the area.
12. The triangular shape of the plot proposed for the new dwelling would result in a highly constrained frontage along Fernside Avenue. The tapering nature of the plot would mean that the frontage along the footpath would be significantly narrower than the frontage of the proposed dwelling at the building line. This would create a cramped appearance that contrasts sharply with the prevailing character of the area, where properties are generally fronted by spacious gardens or driveways. Amenity space to the rear of the dwelling would not mitigate the impact of the

visually cramped area to the front at the most public point. The proposed development would therefore appear incongruous and cramped in a context where spaciousness is a defining feature of the area surrounding dwellings.

13. I have had regard to the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016), although their weight is diminished in the context of the adoption of the new Local Plan and the stated intention to prepare a new Sustainable Design & Development SPD. The guidance was largely generic and has had a limited bearing on my specific assessment of the merits of this case.
14. My attention has been drawn to an appeal decision for a proposal under Ref: APP/N5090/W/24/3345138. From the information provided, it does not appear to be directly comparable to the current appeal, given differences in the location and scale of the site, the number of units provided and the policies in place at the time of the decision. I have determined the current appeal based on the site-specific circumstances of this case and therefore, the findings of the Inspector in that case have little relevance.
15. Overall, I find that the design and layout of the proposed development would not be sympathetic to local character, for the reasons outlined above. As such it would fail to secure a well-designed place contrary to paragraph 135 of the National Planning Policy Framework (the Framework).
16. For the reasons given, the proposed development would harm the character and appearance of the surrounding area. There is conflict with Policies GSS01, CDH01 and HOU03 of the Local Plan insofar as they require development to respond sensitively to the distinctive local character and design, building form and patterns of development.

Other Matters

17. Paragraph 78 of the Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, against either the housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The Council have confirmed via a recently adopted local plan that they are able to demonstrate 5.09 years supply of deliverable housing sites including a 5% buffer. I have not seen substantive evidence to undermine that position nor that the balance in paragraph 11dii applies in this instance for any other reason.
18. The proposal would deliver one additional dwelling unit in a reasonably accessible location, contributing to Barnet's housing supply and supporting the Government's objective of significantly boosting the supply of homes. It would also make more efficient use of the land which is supported in local and national planning policies.. There would likely be a limited contribution towards the local economy by providing construction jobs and by supporting local services and facilities. Given the limited extent of such benefits derived from a single dwelling, they carry moderate weight in favour which would be insufficient to outweigh the harm identified.
19. I do not dispute that the proposed development would offer acceptable living conditions for future occupiers. Additionally, I acknowledge that several local residents have expressed support for the scheme. However, these considerations do not constitute benefits that weigh in favour of the development.

Conclusion

20. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

F P Tinsley

INSPECTOR