
Appeal Decision

Site visit made on 11 April 2025

by **D M Young JP BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/N5090/W/25/3358368

241 Regents Park Road, London, N3 3LA

- 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 Marco Tonucci against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/3679/FUL.
 - The development proposed is a 3-storey extension including two side facing dormer windows and the creation of one additional flat, associated refuse and cycle storage.
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Decision

1. The appeal is allowed, and planning permission is granted for a 3-storey extension including two side facing dormer windows and the creation of one additional flat, associated refuse and cycle storage at 241 Regents Park Road, London, N3 3LA in accordance with the terms of the application, Ref 24/3679/FUL, subject to the conditions set out in the schedule below.

Preliminary Matters

2. I have amended the description of development in the banner above to provide greater clarity.

Main Issue

3. This is the effect of the development upon the character and appearance of the area.

Reasons

4. The appeal relates to an extension to a three-storey building located on the western side of the A598 Regents Park Road at its junction with Cyprus Road. The site is a short distance north of the A598/North Circular junction.
5. As I saw when I visited the site, the area has a mixed residential/commercial character with significant variation in the height, age, style and materiality of buildings. The surrounding townscape has a robustness which is not particularly notable or sensitive in architectural or streetscape terms. There are also no listed buildings or conservation areas close to the site. In light of the foregoing I consider the Council has significantly overstated the area's sensitivity to change.
6. The Council has raised concerns about the projection of the extension and its relationship to Embassy Lodge to the north. A plan is included in the Appellant's Grounds of Appeal which shows the new eastern face of the appeal building sitting

within the staggered building line between Embassy Lodge and those properties fronting Regents Park Road to the south.

7. The Council also raised concerns regarding what it says would be '*large side dormers*' which would '*appear dominating, incongruous, and overbearing on this prominent corner plot*'. While I accept the site is somewhat prominent, views along Regents Park Road are and would still be dominated by Embassy Lodge. In views from the north the extension and dormers would simply be seen against the local townscape which as noted above has a robust and varied character and contains a wide variety of building styles and roof forms including dormer windows.
8. As demonstrated by the existing and proposed street views, the extension would have a relatively minor effect on the local area and would assimilate successfully with its surroundings. Accordingly, there would be no conflict with Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy DPD 2012, Policy DM01 of the Barnet Local Plan Development Management Policies DPD 2012 and the Residential Design Guidance 2016. Collectively these seek to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high- quality design.
9. Even if I had agreed with the Council regarding the proposal's effect on the character and appearance of the area. This would not necessarily have led me to dismissing the appeal. Section 38(6) of the 2004 Planning and Compulsory Purchase Act 2004 (the Act) requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise¹. One such material consideration is the National Planning Policy Framework (NPPF), which can override development plan policy if it is not consistent with the NPPF's provisions.
10. Since the Council issued the Decision Notice, the NPPF was revised in December 2024. Of significance to this appeal scheme is paragraph 125c) which states "*[s]ubstantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused*" (my emphasis). There is nothing close to substantial harm in this case and therefore even on the Council's case, the appeal should be allowed.

Conditions

11. I have imposed a time limit and plans conditions to provide certainty. A materials condition is necessary to ensure the satisfactory appearance of the development. The bin storage and cycle/car parking areas are shown on the proposed layout plan, I have therefore amended and amalgamated the conditions suggested by the Council. To protect the living conditions of local residents I have imposed a condition restricting construction hours. Water and carbon efficiency conditions are necessary to comply with the Council's sustainability objectives in these areas.
12. Given the scale of the development and the potential to store materials within the site etc, I am not persuaded that a Demolition and Construction Management and Logistics Plan is reasonably necessary to make the development acceptable.

¹ The Officer's Report does not contain a planning balance i.e. the weighing of harms against benefits.

Conclusion

13. For the reasons given above the appeal should be allowed.

D M Young

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 240RPR-112, 240RPR-113, 241 RPR-100, 241 RPR-101, 241 RPR-102, 241 RPR-301, 241 RPR-302, 241 RPR-303, 241 RPR-304, 241 RPR-305, 241 RPR-306, 241 RPR-307, 241 RPR-308, 241 RPR-309, 241 RPR-310, 241 RPR-311, 241 RPR-320.
- 3) The bin storage, cycle and vehicle parking shown on the approved plans shall be provided prior to first occupation of the development and shall thereafter be retained.
- 4) Unless otherwise agreed in writing by the Local Planning Authority, the external materials shall match the existing building.
- 5) No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.
- 6) Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that 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. Any use of grey water and/or rainwater systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations. The development shall be maintained as such in perpetuity thereafter.
- 7) Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter