



Appeal Decision

Site visit made on 10 April 2025

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st May 2025

Appeal Ref: APP/N5090/W/24/3356849

Rear of Nos. 252 and 254 East Barnet Road, Barnet, London EN4 8TF

- 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 Alecou against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/2781/FUL .
 - The development proposed is described as 'demolition of existing double garages. Erection of two storey 1 bed room dwellinghouse, refuse and recycle store, cycle store and associated amenity space.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the application form. However, as 'The development proposed is' is not an act of development, I have removed this element.
3. The Council has confirmed that the Barnet Local Plan 2021-2036 (BLP) was adopted on 4 March 2025. It replaces the previous Local Plan (2012), comprising the Core Strategy and Development Management Policies Development Plan Documents. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. The Council has suggested that policies ECC07, CDH01, CDH04, HOU03 and GSS01 of the BLP are now the policies relevant to the determination of this appeal. The appellant has had the opportunity to comment on the implications of this change and I have had regard to the submissions made.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - biodiversity and protected species, with particular regards bats.

Reasons

Character and appearance

5. The appeal site comprises a detached double garage block and surrounding land, to the rear of a pair of properties which front East Barnet Road, on its Middle Road

corner. The proposal is to demolish the garage block and part of a boundary wall and construct a two-storey detached dwelling fronting Middle Road.

6. Middle Road slopes uphill from East Barnet Road and is characterised by semi-detached and short rows of traditional two-storey terraced dwellings, set back from the road behind shallow front gardens. The dwellings are uniform in their scale and simple form, with the party walls prominent above the traditional pitched roof plane, as the roofline staggers following the slope of the hill. Although there have been some alterations to individual dwellings, many have retained the original architectural style and detailing, including yellow London stock brick, with distinctive red brick string courses and headers to the two regularly spaced first floor-windows, and tiled canopies above a ground floor bay. These elements contribute significantly to the attractive, cohesive character and appearance, and the strong local identity of Middle Road.
7. The existing garage block is unobtrusive and functional in design. It has a low, flat roof which means there are relatively open views through the appeal site towards the outriggers of properties fronting East Barnet Road, and toward the trees and shrubs in their rear gardens. This open aspect provides an important visual break in built form and a transition between the predominantly commercial East Barnet Road and the more residential Middle Road. Whilst slightly narrower in its width, this break in built form is mirrored on the opposite side of Middle Road.
8. At ground floor, the proposed dwelling would be offset a similar distance as the existing garage block to the neighbour at No 1 Middle Road (No 1) but would be much closer to the outrigger of No 254 East Barnet Road (No 254). The proposed first-floor would have a smaller volume, offset from ground floor on its Middle Road frontage and positioned off-centre (toward No 1). When compared to the previously dismissed appeal scheme¹ for this site, the siting and arrangement of the ground and first-floor elements would result in a greater degree of separation between the proposed dwelling and the rear two-storey outrigger of No 254, and it would not appear a particularly cramped form of development.
9. However, the flat roof of the proposed ground floor would be a similar height to the eaves of No 1's ground floor canopy and higher than the double garage it would replace. Combined with the boundary fencing, the proposed dwelling would fill the frontage of the appeal site resulting in a continuation of built form from East Barnet Road to Middle Road and the loss of the important visual break.
10. Further, although views toward the outriggers of properties fronting East Barnet Road would be partially retained, both the height of the proposed ground floor, and the siting and massing of the first-floor, would mean that the open aspect would be largely lost, particularly toward the rear gardens. Consequently, the proposal would erode the visual gap and compromise the sense of space and openness of the area.
11. The proposed dwelling would be built in a brick to reflect the prevailing material of Middle Road, but it would nonetheless be very contemporary in its composition and form. The proposed first-floor has been designed such that it would appear a secondary element of the building and it would have a flat roof which would sit well below the eaves of the pitched roof of No 1 (and its attached neighbour), and the ridgeline of No 254's outrigger. Although it would appear subordinate in scale to its

¹ APP/N5090/W/20/325789

neighbours, its low height and flat roof would appear incongruous alongside the characteristic pitched roof planes of Middle Road. Moreover, save the proposed brick headers, the pattern, alignment and size of the proposed windows, which would encompass large areas of vertical glazing, would fail to relate well to the traditional, uniform architectural detailing of its neighbours.

12. The National Planning Policy Framework (the Framework) does not seek to prevent or discourage appropriate innovation or change, and contemporary design can be an acceptable approach to an infill site. However, in this case, although the predominant building typology would remain, the contemporary design and detailing of the proposed dwelling would appear a starkly different and unsympathetic addition to Middle Road, to the detriment of its character and appearance, and strong local identity.
13. This harm would be exacerbated as a result of the prominence of the appeal site on the corner of Middle Road and East Barnet Road. Due to its siting and canopy height, the existing tree within the footway along Middle Road would not be effective in softening the visual presence of the dwelling from this corner. Further, the ground floor of the proposed dwelling has been sited closer to Middle Road than the existing garage block and slightly forward of the bay of No 1. Although longer views of the proposed dwelling would be restricted by the bend in the road when travelling down the hill, the corner and flat roof of the ground floor would nonetheless be dominant when viewed in close proximity from Middle Road.
14. The appellant has drawn my attention to an infill dwelling fronting Lancaster Road which has a contemporary, flat roof design. I do not have full details of this dwelling, but I note that close by on either side of Lancaster Road are recently built blocks of development which have a flat roof and encompass large areas of glazing. The example is not therefore directly comparable to the area surrounding the appeal site, which is uniform and cohesive in its character and appearance. In any event, I have determined this appeal on its individual site characteristics and merits.
15. I therefore conclude that the proposed development would cause significant harm to the character and appearance of the area. It would conflict with Policy D3 of the London Plan (2021) (LP) and policies GSS01 and CDH01 of the BLP. Amongst other things, these require delivery of high quality design and development which responds sensitively to the distinctive local character and design, building form, patterns of development, roof form and height of the existing context and enhances architectural features that contribute to character.
16. I have been provided with BLP Policy CDH04 but as this relates to tall buildings it is not determinative to this main issue.

Protected Species and Biodiversity

17. A Preliminary Ecological Appraisal was not submitted with the planning application, nor a biodiversity statement, and the Council allege that the absence of such information means it is not possible to properly assess the impact of the proposal on protected species and biodiversity, in accordance with their statutory duties.

18. Circular 06/2005² advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development is established before planning permission is granted. However, it goes on to advise that, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.
19. In this case, I observed that the existing garage block is in relatively good condition and has a flat, single-skin corrugated metal panel roof with 'up and over' doors. A photograph provided in the appellant's evidence shows that at least one of the garages is used for the storage of building materials. On the evidence before me, I am satisfied that there is no reasonable likelihood of bats being present in such a building, and I note that in the Officer Report the Council themselves concluded that the garages were 'deemed to be of negligible suitability for roosting bats.'
20. The proposed development would result in the loss of an area of garden, predominantly laid to lawn, to the rear of the existing garage block and to the rear of No 254. The proposal would provide a garden to the rear of the proposed dwelling, as well as areas of landscaping along the boundaries. A 'green roof' is further proposed over part of the ground floor and at first-floor roof level, albeit this area is limited by the proposed PV panels. Should the appeal be allowed, the Council proposed conditions requiring details of this green roof, as well as the soft landscaping, and the submission of a Biodiversity Enhancement Plan, which would include the location, height, orientation and specification of all ecological enhancement features. Subject to such a condition, I am satisfied that the proposed development would enhance biodiversity.
21. I therefore conclude that the proposed development would not have an unacceptable adverse effect on protected species and biodiversity. There would be no conflict with LP Policy G6 or BLP Policy ECC07 which together require that development proposals manage impacts on biodiversity and seek its retention and enhancement or creation.
22. I have been provided with BLP policies HOU03 and CDH01, but as these relate to residential conversions and design respectively, they are not determinative to this main issue.

Other Matters

23. The appeal proposal would make use of a brownfield site delivering a 1-bedroom dwelling, which I acknowledge would make a small, but valuable contribution, to the supply of new homes in Barnet (and in London), and to the variety and size of accommodation. In this regard, the proposal would support the Government's objective of significantly boosting the supply of new homes. The Framework recognises the important contribution small sites can make in meeting the housing requirement of an area, often built out relatively quickly. The LP also requires Boroughs to pro-actively support well-designed new homes on small sites. This is particularly important in areas of undersupply or delivery and the new BLP has identified the contribution that small sites make to their housing supply as one of the Council's Key Performance Indicators.

² Government Circular: Biodiversity and Geological Conservation (August 2005)

24. The proposed development would be car free and has been designed to limit energy demand through a thermally efficient building fabric and energy services, incorporating PV panels on the first-floor roof. It would also provide a private rear garden for the occupiers of the dwelling. Further, the front elevation of the dwelling would have large ground and first-floor windows which would overlook Middle Road and increase natural surveillance of the immediate area.
25. The above are clear benefits of the scheme, and I have given them moderate weight in my consideration of the appeal. However, they are not sufficient in this case to outweigh the significant harm that I have found to the character and appearance of the area, or the conflict with the development plan.

Conclusion

26. I am satisfied that the development would not have an adverse effect on protected species and biodiversity. Nevertheless, for the reasons given above, I have concluded that the proposal would conflict with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it.
27. For the reasons given above, I conclude that the appeal should be dismissed.

R Gravett

INSPECTOR