



Appeal Decision

Site visit made on 30 April 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/N5090/C/23/3319058

250 Deansbrook Road, Edgware HA8 9DQ

- 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 Mr Jayintha Wewelwawa against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice was issued on 3 March 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a side and rear extension to the existing standalone garage to the rear of the site.
 - The requirements of the notice are:
 - 1 Demolish the side and rear extension to the existing standalone garage (highlighted in red in the attached image) and return the garage to the state in which it was prior to the breach.
 - 2 Permanently remove from the property all constituent materials resulting from the works in 1 above.
 - The period for compliance with the requirements is 3 Months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is:

- corrected by deleting the words "Land at 250A Deansbrook Road Edgware HA8 9DQ, shown edged and coloured black on the attached plan (hereinafter called "the Property")" under section 2 of the enforcement notice (the land to which this notice relates); and deleting the site plan attached to the enforcement notice, and replacing them with:

"Land at 250 Deansbrook Road, Edgware HA8 9DQ."

- corrected by deleting the allegation within section 3 of the enforcement notice (the matters which appear to constitute the breach of planning control) and its replacement with:

"Without Planning Permission, the construction of a rear extension to the existing standalone garage to the rear of the site."

- corrected by deleting requirement 1) within section 5 (What you are required to do) and replacing it with:

- "1 Demolish the rear extension to the existing standalone garage and return the garage to the state in which it was prior to the breach."
2. Subject to these corrections, the appeal is allowed, the enforcement notice is quashed, and 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 rear extension to the existing standalone garage to the rear of the site at 250 Deansbrook Road, Edgware HA8 9DQ referred to in the notice, subject to the following conditions:
 - 1) The extension to the garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 250 Deansbrook Road.
 - 2) The extension to the garage hereby approved shall be finished in materials similar in appearance to the existing garage to which it is attached.

The Notice

3. The site address and the plan attached to the Notice is incorrect in so far as they refer to 250A Deansbrook Road, whereas the correct address is 250 Deansbrook Road. Both parties have been offered the opportunity to comment and the Council have provided a copy of the signed certificate which demonstrates that the freeholder for 250 Deansbrook Road was also served a copy of the Notice. The Council also state that Mrs Wewelwawa, the wife of the appellant who resides at No 250, was also served a copy of the Notice. The Council have also provided screenshots of their database which demonstrates that the owners of the appeal site have previously described the appeal site as "250/250A". In addition, all adjoining neighbouring properties were notified of this appeal.
4. The appellant has not responded to the Council's comments above. Nevertheless, he appears to have understood what the appeal relates to. In my opinion, the error on the notice and site plan does not render the notice unclear. It is necessary however to correct the address on the notice and delete the reference to the attached site plan, which identifies the wrong site. This would not cause injustice, and I can therefore use my powers under the provisions of s176(1)(a) to make this correction. I have applied the correct address in the banner heading above.
5. The allegation in the Notice is also poorly worded in so far as it refers to 'the construction of a side and rear extension to the existing standalone garage' but there is only a rear extension to the garage. The appellant appears to have understood the allegation and, in my opinion, the misdescription does not render the notice unclear. It is necessary however to correct the allegation to remove unnecessary words but retaining the effect of what the Council is trying to achieve. Consequential corrections are therefore required for the requirements which also incorrectly refers to a 'side extension.' This would not cause injustice, and I can therefore use my powers under the provisions of s176(1)(a) of the Act to make this correction.

Preliminary Matters

6. During the course of this appeal, the Barnet Local Plan 2012 (LP), and policies contained within it, has been replaced with the Barnet Local Plan, adopted in

March 2025 (BLP). This must now be given full weight in the decision-making process. Both main parties have been given the opportunity to comment on the new Local Plan, and so have not been prejudiced. I have therefore not assessed the development against the policies of the superseded LP.

7. The Council's statement refers to the separate use of the extended garage as a self-contained residential unit. However, the extension to the garage is currently incomplete. No windows or doors have been installed and during my site inspection, it was only being used for domestic storage, incidental to the main property at No 250. Furthermore, the notice does not allege a material change of use to a self-contained residential unit, and there are no facilities provided for independent day to day living within the extension (i.e. no living, sleeping, washing or cooking facilities). I have therefore dealt with the appeal on the basis of the extension to the garage only, used in connection to the main dwelling at No 250 Deansbrook Road.

Main Issues

8. The main issues are:

- whether the unauthorised development preserves or enhances the character or appearance of the Watling Estate Conservation Area (CA); and
- the effect of the development on the living conditions of neighbouring occupiers of No 248 Deansbrook Road, with particular regard to privacy.

Reasons

Watling Estate Conservation Area

9. The appeal property forms part of a pair of two storey semi-detached properties, situated in an area with a mix of commercial and residential properties within the Watling Estate Conservation Area (CA). Deansbrook Road is a shopping area which serves as a local convenience centre, secondary to the Watling Avenue shops. The unauthorised development, the subject of this appeal comprises the rear extension to the existing garage, located within the rear garden, and therefore the appeal development is not visible from any public vantage points within the CA.
10. With regards to the effect on designated heritage assets, Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
11. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The Framework also states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

12. The Watling Estate Conservation Area Character Appraisal, 2007, explains that the character of Watling Estate is distinctive in terms of its layout, form, scale and building designs and typical of Garden City planning. From my observations at the site visit, I noted that there is a degree of symmetry to the front and rear of the small terraces and a balance to the recessed blocks around greens and turned corners. The combinations of these elements are consistent with the vernacular architectural style of the Arts and Crafts movement and help reinforce a sense of community. Together, these distinctive characteristics make a positive contribution to the significance of the CA.
13. In relation to ancillary buildings in back gardens, Barnet's Local Plan Supplementary Planning Document Residential Design Guidance, 2016 (Design SPD) states that all developments should protect and enhance the gardens at residential properties. The natural features and spaciousness of gardens make an important contribution to Barnet's distinctiveness. Detached buildings in gardens can therefore have a significant impact on local character, amenity and flood risk in gardens as well as its surrounding areas. The Design SPD also states that their design and materials should be in harmony with the surrounding area.
14. The height of the extension matches the existing garage, and the extension has been built in brickwork which matches garage. In addition, the property benefits from a relatively long rear garden and the development retains a large area of amenity space for occupiers of the site, which also preserves the openness of the garden setting. In these respects, the design of the development is in harmony with the surrounding area. In giving great weight to the assets conservation, the development adequately respects the context and character of the CA and does not erode or cause harm to its significance.
15. For the reasons outlined above, the unauthorised development preserves the character and appearance of the CA, as a whole, which is in accordance with Policies CDH01 and CDH08 of the BLP, and Policy D3 of the London Plan, 2021 (London Plan). Amongst other things these state that development be of high quality, with architecture that pays attention to detail; that the Council will expect development proposals to respond sensitively to the distinctive local character and design, building form, patterns of development, scale, massing, roof form and height of the existing context, use materials of a suitable quality and appearance; and that proposals should have regard to local historic context and character, including the appearance, scale, mass and height of buildings, use of materials, patterns of development and the layout of buildings and spaces.

Living conditions for occupiers of 248 Deansbrook Road - privacy

16. The extension to the garage is at ground and garden level only. Given the presence of high fencing around the perimeter of the site, and that the development is positioned at garden level only, the development has not resulted in any loss of privacy due to overlooking to neighbouring occupiers, including No 248 Deansbrook Road.
17. I therefore conclude that the development does not have a harmful effect on the living conditions of the neighbouring occupiers of No 248 Deansbrook Road with regard to privacy. In this respect the development complies with Policy CDH01 of the BLP and Policy D3 of the London Plan. Amongst other things

these state the Council will expect development proposals to provide a good standard of amenity that is consistent with other policies in the Plan and will allow for acceptable levels of daylight, sunlight, privacy and outlook for adjoining and potential occupants and nearby users impacted by the development.

Other Matters

18. The Council refer to the allowed appeal decision at 250A Deansbrook Road for the erection of a pre-fabricated annexe for ancillary residential use associated with the dwelling¹ and consider that the current appeal development contravenes the conditions attached in that decision. However, that decision was for a different development, on the adjoining site, which has not been implemented. It is therefore unclear how the current development is in conflict with that appeal decision.
19. Comments made by third parties have been taken into account but do not alter the conclusions reached in this decision. Reference has been made to the hoarding erected along the boundary with No 252 Deansbrook Road. However, those works do not feature in the allegation in the Notice and therefore this is not a matter for me to consider as part of this current appeal.
20. No conditions have been suggested by the parties. Since the development is unfinished, I have attached a condition requiring the development to be finished in materials which are similar in appearance to the existing garage to ensure the development preserves the character and appearance of the CA. A condition is also attached to ensure the development is only used for purposes ancillary to the residential use of the dwelling known as 250 Deansbrook Road.

Conclusion

21. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development described in the enforcement notice, as corrected.

R Satheesan

INSPECTOR

¹ Appeal Ref: 3201125 allowed on 26 July 2018.