



Appeal Decision

Site visit made on 21 May 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/N5090/W/25/3361558

690 High Road, North Finchley, London N12 9PY

- 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 Sandeep Khirya against the decision of the Council of the London Borough of Barnet.
 - The application reference is 24/4027/FUL.
 - The proposed development is the erection of a two-storey high structure to the rear of the land to create a single self-contained studio flat on the upper floor with associated refuse/recycle storage area on ground floor.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Additional plans have been provided that show an alternative ground floor layout to the new building and different design options for the first-floor window facing Lambert Way compared to the details shown on the drawings that accompanied the application. These changes result in a scheme that is different in substance to that determined by the Council. While the Council has had the opportunity to comment on these extra drawings, it has not consulted others on them. Consequently, interested parties could be prejudiced if I were to consider these additional plans. Therefore, in the interests of fairness, I have not done so.
3. The Council has recently adopted the Barnet Local Plan 2021-2036 (LP). As a result, the LP now forms part of the development plan. It has replaced Barnet's Local Plan (Core Strategy) Development Plan Document (CS) and Barnet's Local Plan (Development Management Policies) Development Plan Document (DMP), which are cited in the reasons for refusal. The main parties have had the opportunity to comment on the policies of the LP during the appeal process.
4. Planning decisions must be based on the development plan policies prevailing at the time of determination. The policies of the CS and DMP identified in the reasons for refusal are no longer in force. The most relevant corresponding LP Policy is CDH01. The reasons for refusal also refer to Policy D3 in The London Plan (TLP), which remains part of the development plan.

Main Issues

5. The main issues are, firstly, whether the proposed development would provide satisfactory living conditions for future occupiers with regard to outlook; secondly,

the effect of the proposal on access for future occupiers and those of 690 and 690A High Road; and thirdly, on the character and appearance of the local area.

Reasons

6. The proposal is to erect a 2-storey building within the largely open rear yard of the appeal property, which is a substantial mid-terrace building that faces High Road, with a commercial use on the ground floor (690 High Road) and a residential flat above (690A High Road). The new addition would include a first-floor studio above an enclosed area at ground floor level containing space to park a vehicle and to store refuse, recycling and cycles. Access to the new studio and Nos 690 and 690A would be from Lambert Way, which runs to the rear of the High Road terrace.

Living conditions

7. The first-floor bay window facing Lambert Way would provide the sole external outlook from the open plan area for living, dining and sleeping within the new studio. To avoid overlooking problems towards the rear gardens of some properties that address Lambert Road, the central panels of this window would be obscurely glazed and fixed shut other than to provide ventilation. As a result, the external view from the main room of the new studio within which future occupiers would be expected to spend most of their time, would be confined to a narrow panel of clear glazing on each side and across the top of this window. Consequently, the outlook from the proposed studio would be unacceptably poor.
8. On the first main issue, I conclude that the proposed development would not provide satisfactory living conditions for future occupiers. As such, it conflicts with LP Policy CDH01, TLP Policy D3 and the Council's Supplementary Planning Document, *Residential Design Guidance* (SPD) insofar as they aim to safeguard residential amenity. It is also at odds with the National Planning Policy Framework (the Framework), which states that development should create places with a high standard of amenity for all users.

Access

9. If a vehicle were to occupy the proposed parking space, it could obstruct the movement of bins and cycles stored on the ground floor of the new building to and from the road. Having to manoeuvre around a parked vehicle, between the bin stores and possibly avoid items that have been delivered would also be far from ideal arrangement for future and existing residents and users of the commercial unit at No 690 that wish to access their properties.
10. An alternative route is currently available from Lambert Way for the existing occupiers of No 690A, and other flats within the same terrace. A different ground floor layout that includes a dedicated pedestrian route free of potential obstructions could also resolve these concerns. It may therefore be possible to overcome these problems. However, as it stands, the proposal does not provide a satisfactory access arrangements for existing and future occupiers. Therefore, it is contrary to LP Policy CDH01, which promotes high quality design.

Character and appearance

11. The new building would nestle into the long, narrow corridor at the back of No 690. In this position, the proposal would be partially shielded from public view by existing buildings on either side although the long blank side wall of the new addition would

be evident from a short section of Lambert Way. From this vantage point, the set back and narrow frontage of the proposal would subdue its presence in the street scene. The long, thin shape of the completed building with its flat roof would also appear unusual. However, the proposal would be seen against the backdrop of open yards and various structures, outbuildings and rear projections of differing scale, height, design and materials at the rear of the High Road terrace.

12. In that highly varied context, the finished building would not appear so incongruous or obtrusive to the extent that it would be out of character with the local area. On that basis, the proposal would not conflict with LP Policy CDH01, TLP Policy D3 or the SPD, which aim to ensure that development, amongst other things, responds sensitively to local character. My favourable finding does not outweigh the harm identified in relation to the first and second main issues.

Other matters

13. The proposal makes efficient use of the land available at the back of No 690. Once complete, the proposal would contribute to the choice and supply of residential accommodation in the local area. The submitted design includes features that would encourage biodiversity including a green roof and bricks with inbuilt cavities for birds and insects. Compared to the existing rear yard of No 690, which is unlit and includes an external staircase in poor condition, a new gated access and staircase would improve security and safety for existing residents and commercial users. However, these considerations do not outweigh the identified harm.
14. Interested parties raise several additional objections including the effect of the proposal on traffic, parking, light, security, air quality, schools, local services, public transport, open space and the potential disturbance during the construction phase. These are all important matters, and I have taken into account all the submitted evidence. However, given my findings on the first and second main issues, these considerations have not been critical to my decision.

Conclusion

15. The development sought would not cause significant harm to the character and appearance of the local area. However, the completed studio would not provide satisfactory living conditions for future occupiers. The access arrangements for existing and future occupiers would also be poor. Consequently, the appeal scheme conflicts with the development plan, when read as a whole.
16. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR