Planning Inspectorate

Appeal Decision

Site visit made on 25 March 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2025

Appeal Ref: APP/N5090/W/24/3356825
Ground Floor and First Floor Flats, 38 Golders Manor Drive, Golders Green, LONDON.

- 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 Ms. S Mainz against the decision of the Council of the London Borough of Barnet.
- The application reference is Ref: 24/1924/FUL.
- The development is described as 'Erection of an outbuilding in the rear garden to be used incidental to the main dwelling.'

Decision

1. The appeal is dismissed

Preliminary Matters

2. The Barnet Local Plan 2021-2036 (the Local Plan) was adopted on 4 March 2025. Those policies of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012), referred to in the decision notice, have been superseded and no longer form part of the development plan. Policy CDH01 of the Local Plan is the policy most important for determining the appeal, along with Policy D3 of the London Plan (2021). The parties were provided with the opportunity to comment on the implications of the altered policy context for the appeal

Main Issues

3. The main issues in this appeal are:

   a) the effect of the proposed development on the character and appearance of the surrounding area; and

   b) the effect on the living conditions of the occupiers of 40 Golders Manor Drive with regard to outlook.

Reasons

Character and appearance

4. The appeal site is situated on Golders Manor Drive, which is part of a suburban area predominantly comprised of compact, semi-detached two-storey dwellings. Rear garden access for these properties is generally provided through narrow passageways alongside the houses. The property behind which the proposed

outbuilding would be constructed has been converted into two independent flats—one on the ground floor and one on the first floor. As part of this conversion, the rear garden has been divided into two separate sections, each assigned to one of the flats. The upper-floor flat utilises the section furthest from the main building. The proposed location for the outbuilding is currently occupied, in part, by a garden shed with a pitched roof, positioned perpendicular to the main house.

5. The rear garden areas are characteristic of the locality. Surrounding properties have closely configured gardens that play an important role in providing separation between dwellings. Many of these gardens include modest garden outbuildings, often positioned at the far end of the plots. The vegetation, including mature plants and several large trees within both the appeal site and neighbouring gardens, contributes positively to the character and appearance of the area.

6. The proposal involves the construction of a rectangular, flat-roofed outbuilding, internally subdivided to provide storage spaces accessible from the gardens of both flats. Although it is proposed to reconfigure the amenity space, these changes do not form part of the current proposal under consideration. The outbuilding would not be capable of serving both amenity spaces in their current configuration.

7. The proposed outbuilding would have a significantly larger footprint than the existing shed, which is already a substantial structure on the site. Its apparent scale would be further emphasized by the flat roof design, which would increase the massing and bulk compared to the existing pitched roof shed.

8. The eaves of the proposed building would rise approximately 50 cm above the existing garden fence shared with No. 40 Golders Manor Drive (No. 40). In contrast, the current shed's eaves are similar in height to the fence. The new building, orientated perpendicular to the main house, would measure approximately 4.5m in depth, occupying close to half of the original garden's length (post-main building extensions). This would increase its prominence relative to the main building and along the boundary with No. 40. Consequently, the proposed structure would appear as a dominant and intrusive feature in the rear garden, highly visible from surrounding properties and inconsistent with the area's prevailing character and appearance.

9. Attention has been drawn to a proposed, as yet unconstructed outbuilding at the neighbouring property, No. 40, for which a Certificate of Lawful Use or Development (Proposed Use or Development) (Ref: 24/1923/192) has been obtained. This outbuilding would span the entire width of the plot and be orientated parallel to the main building, located approximately 80 cm further from the house than the appeal proposal at No. 38. Although smaller in overall floorspace compared to the lawful outbuilding, the contrasting orientation and closer proximity to the main building make the proposal at No. 38 relatively more intrusive and harmful to the area's character and appearance.

10. In conclusion, the proposal is unacceptable as it would harm the character and appearance of the area. It fails to comply with Policy CDH01 of the Local Plan, as well as Policy D3 of the London Plan (2021). Amongst other things these policies require proposals to respond sensitively to local character and ensure that design elements—including building forms, development patterns, scale, massing, roof forms, and heights—are consistent with the existing context.

Living conditions of surrounding occupiers

11. The proposed outbuilding would rise approximately 50 cm above the existing garden fence shared with No. 40. It would also occupy around half of the garden boundary's length. I am satisfied that this relationship—combined with the visibility from No. 40 of a significant portion of the elevation facing the main building—would result in a harmful and overbearing impact on the outlook from No. 40. Regardless of the materials used in constructing the outbuilding, its scale would create an enhanced sense of enclosure within the garden of No. 40.

12. The proposed outbuilding at No. 40 has not yet been constructed. The current proposal must be assessed based on the existing site context at the time of the appeal's determination. Nonetheless, the projection of the proposed outbuilding at No. 38 towards the main building and beyond that of the proposed building at No. 40 would remain significant and visually apparent if constructed. The proposal at No. 40 does not alter my conclusions regarding the harmful overbearing impact on the outlook from No. 40 caused by the current proposed development.

13. For these reasons, the proposal fails to comply with Policy CDH01 of the Local Plan and Policy D3 of the London Plan (2021). These policies stipulate that developments must not adversely affect the amenity of neighbouring property occupiers, including their outlook.

Other Matters

14. It has been suggested that the lack of additional storage space for flats, compared to houses, could be considered discriminatory against residents of flat. This concern arises in a context where both houses and flats are required to provide external amenity space. While I acknowledge that additional storage space could indeed benefit the occupants of flats, my primary responsibility is to determine whether the proposal aligns with the development plan and other material considerations. Although this matter carries some limited positive weight, it does not ultimately outweigh my concerns regarding the scheme’s detrimental impact on the character and appearance of the area, as well as the living conditions of the occupiers at No. 40.

Conclusion

15. For the reasons given above, the proposal conflicts with the development plan considered as a whole and there are no material considerations that outweigh this conflict. Therefore, the appeal is dismissed.

F P Tinsley

INSPECTOR