



Appeal Decision

Site visit made on 11 March 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Appeal Ref: APP/N5090/W/24/3351910

168 Long Lane, London N3 2HX

- 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 Issa Karimi against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/4666/RCU.
 - The development proposed is take away and sit in and out coffee shop and restaurant.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of the development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises an external raised patio to the front of the premises to provide outdoor seating with associated access steps and boundary planters. The appeal scheme is also retrospective. The Council dealt with the development on this basis and so have I.
3. The Council has confirmed that the policies from Barnet's Local Plan (Core Strategy) Development Plan Document (2012) and Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) referred to in the Decision Notice have been superseded by policies from the Barnet Local Plan 2021-2036 (LP). Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. In the case of this appeal, the Council has suggested that Policies GSS01 and CDH01 are now the policies most important to the determination of the appeal. The appellants are aware of the revised policy framework and have had the opportunity to comment upon its relevance to the appeal.

Main Issues

4. The main issues are:
 - the effect of the development on the living conditions of the occupants of neighbouring properties with regard to noise and disturbance; and
 - the effect of the development on the character and appearance of the area.

Reasons

Living Conditions

5. The appeal site is located within a predominantly residential area. However, there are a number of commercial premises at ground floor level concentrated at the intersection of Long Lane and Squires Lane. The appeal relates to a property on a part of Long Lane that is quiet and residential and 168 Long Lane comprises a ground floor restaurant with residential accommodation above.
6. The seating area is directly adjacent to the boundary with the front garden at neighbouring property 166 Long Lane. The opening hours of the premises are 12am to 10pm. The appeal property currently does not have a licence to serve alcohol. However, loud conversing in this area, and the arrival and departure of customers, is likely to be particularly significant during the summer months when outdoor areas tend to be more extensively used. The appellant asserts that they have reduced their opening hours, closing at 10pm rather than 11pm. Nevertheless, the use of the seating area until 10pm could create additional noise and disturbance to nearby properties into the evening. This would be at a time when neighbouring occupants could be trying to sleep and when nearby residents could reasonably expect a degree of tranquillity. Moreover, given the open nature of the seating area and its proximity to neighbouring dwellings, it would be very difficult to mitigate this issue. In my view, the use of the outdoor seating area until 10pm would cause significant additional disturbance to neighbouring residents and would be harmful to their living conditions in this regard.
7. The appellant states that they are willing to make changes to ensure the living conditions of neighbouring occupants are not harmed. In addition, several representations have been submitted in support of the proposal. However, neighbouring residents have also objected to the development citing noise concerns.
8. I note that the planters that form the boundary of the seating area may reduce noise transmission to a degree. Still, there is no substantive evidence before me to demonstrate that the planters would address my concerns in regard to noise and disturbance. The appellant has also suggested tenting may be an option to mitigate noise impacts. However, no details of this are before me and I cannot be certain that this method would be effective and also avoid harm to the character and appearance of the area.
9. For the reasons detailed above the development would have a harmful effect on the living conditions of the occupants of neighbouring properties with regard to noise and disturbance. Therefore, the development conflicts with Policy CDHO1 of the LP which requires adverse noise impacts on the surrounding environment are mitigated.

Character and Appearance

10. The width of the pavements at the intersection is sufficient to allow several properties to have external awnings and display areas. Neighbouring residential properties have good sized front gardens, bound by a variety of materials including timber fencing.

11. The host property occupies a unique position in that it is set back from the edge of the pavement, reflecting the set back from the properties on Long Lane. The appeal is for an outdoor seating area that is raised slightly off ground level and bound by timber planters, with a timber trellis at the boundary with the neighbouring residential property. The area created is modest and the submitted plans show that the space allows for three tables that can each seat two people.
12. The planters are a similar height to the wall of the neighbouring residential dwelling. Further, the plants within them soften their appearance and add greenery which reflects the gardens of the neighbouring properties on the street. Based on the evidence before me the decking area is only slightly higher than ground level, in order to create a level seating area.
13. In light of the above the size, siting, design and materials utilised in the appeal development reflects the front garden areas and boundary treatments of neighbouring properties. The retail outlets nearby have active frontages and make good use of these spaces, with cages, shelving units and signage set under awnings offering a multitude of goods. This is not clutter, but the trappings of commercial activity which offer a sense of vibrancy to the area. The use of the space for public dining would be complementary to this existing human activity and as such the development does not harm the character and appearance of the area.
14. For the reasons detailed above the development does not have a harmful effect on the character and appearance of the area. Therefore, it accords with Policy D3 of the London Plan (2021) and Policies GSS01 and CDHO1 of the LP which require that developments deliver good design and responds sensitively to the distinctive local character, design and patterns of development in the area.

Other Matters

15. The appellant has created the outdoor seating area as part of the improvement of their business and this brings associated economic benefits. Several letters of support have also been submitted in relation to the development detailing the positive effect it has had on the local community. These benefits weigh in favour of the proposal.
16. However, I have identified that the development has a harmful effect on the living conditions of the occupants of neighbouring properties in regard to noise and disturbance. This harm leads to conflict with the development plan as a whole.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

C Livingstone

INSPECTOR