



Appeal Decision

Site visit made on 19 May 2025

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/N5090/W/24/3353325

53 Finchley Lane, Hendon, Barnet, London NW4 1BY

- 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 Ari Sufrin against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/2893/FUL.
 - The development proposed is the demolition of the existing outbuildings to construct a single-storey building housing a self-contained 1 bedroom flat, with associated amenity space, bike store and bin store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council adopted a new Local Plan on 4 March 2025 and has confirmed that the policies from Barnet's Local Plan Core Strategy (2012) and Barnet's Development Management Policies Development Plan Document (2012) referred to in the Decision Notice have been superseded by policies from the Barnet Local Plan 2021-2036 (2025) (BLP).
3. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. Policies referred to in the reason for refusal, relating to the planning application subject to this appeal from the Barnet Local Plan 2012, are no longer relevant. Parties were provided with the opportunity to comment on the new policies in the context of this planning appeal and I have taken their comments into account.
4. In addition, the Council has referred to Policies GSS01 and CDH04 of the BLP. However, these policies relate to delivering sustainable growth and tall buildings respectively so are not determinative with regard to this appeal.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the appeal site and surrounding area.

Reasons

6. The appeal site lies to the rear of 53 Finchley Lane which is a semi-detached property converted to three self-contained flats, in a predominantly residential area, with a mix of dwelling types and designs. The dwellings on Finchley Lane have rear access to Tenterden Grove, and there are a number with outbuildings.

7. To the rear of the dwelling, with access from a private drive off Tenterden Grove, are two existing outbuildings. The appeal proposal is to demolish the outbuildings and construct a single-storey one bedroom flat with a similar footprint to the existing outbuildings and joined via a glazed linked corridor.
8. The existing outbuildings utilise the full width of the plot. The proposal would result in buildings slightly narrower than the existing outbuildings to allow for landscaping. However, the proposal would retain a large footprint and due to the width and depth of the proposal would appear cramped within the site due to the narrowness of the plot. In addition, the configuration of buildings with a linked corridor would be an uncharacteristic form of development and not reflect the existing pattern of buildings in the area.
9. Whilst the existing outbuildings are already in use as ancillary to the host dwelling, the change of use to residential with the additional parking and residential paraphernalia such as bins and cycle storage would materially change the character of the buildings and the surrounding area by introducing a residential unit within the rear garden of the property.
10. I conclude that the proposal would harm the character and appearance of the appeal site and surrounding area. It would conflict with Policies CDH01 and HOU03 of the BLP and Policy D3 of the London Plan (2021) which together, and amongst other matters, seek to ensure that development preserves and enhances the local character and respects local context.

Other Matters

11. I have had regard to the previous appeal decision¹ for a single storey detached dwelling at the rear of 51 Finchley Lane that I have been referred to. However, I note that there are clear material differences between the proposals and the individual circumstances surrounding them. These include the width of the plot and the design and configuration of the proposed dwelling. In addition, I have determined the appeal on the site-specific circumstances of the site.

Planning Balance and Conclusion

12. The Framework says that substantial weight should be given to the value of using suitable land within settlements for homes and they should be approved unless substantial harm would be caused. Given my findings in respect of the main issue, in the context of this appeal, the proposal would not amount to using a suitable site, particularly as one of the key aims of the Framework is to safeguard and improve the environment. It would not therefore benefit from the aforementioned substantial weight afforded by the Framework.
13. The appeal scheme would conflict with the development plan in relation to the character and appearance of the appeal site and surrounding area. This is harm to which I attribute significant weight. However, the proposal would provide an additional dwelling that could contribute to the mix and supply of homes in the area. This would support the social and economic objectives of the National Planning Policy Framework. The proposal has also been designed to meet minimum space standards, be energy efficient and sustainable in its construction, including with a sedum roof. It would also remove the poor quality outbuilding from the site.

¹ Appeal Ref- APP/N5090/A/14/2220519

However, given the magnitude of the development, these benefits would attract moderate weight in favour of the proposal. This leads me to conclude that the proposal would not accord with the development plan when considered as a whole and that the benefits of the proposal would not amount to material considerations that would indicate that the proposal should be determined otherwise than in accordance with it. The appeal should therefore be dismissed.

H Senior

INSPECTOR