



Appeal Decision

Site visit made on 4 June 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/N5090/W/25/3361262

106 Mays Lane, Underhill, Barnet EN5 2LL

- 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 E Aponso against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/5479/FUL.
 - The development proposed is a two storey side extension to provide a new two-bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension to provide a new two-bedroom dwelling at 106 Mays Lane, Underhill, Barnet EN5 2LL in accordance with the terms of the application, Ref 24/5479/FUL, subject to the conditions in the attached schedule at the end of this decision.

Preliminary Matters

2. Planning decisions must be based on the development plan policies prevailing at the time of determination. The Council has recently adopted the Barnet Local Plan 2021-2036 (BLP). As a result, the BLP 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 reason for refusal. The main parties have had the opportunity to comment on the relevant policies of the BLP during the appeal process.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the area.

Reasons

4. No. 106 is a much-altered detached dwelling which faces onto, but is setback from Mays Lane. It has a front facing gable, with a side dormer roof extension, and two-storey flat roof side and rear extensions, along with single storey extensions to its front and rear sides. The immediate area is characterised by mainly detached and semi-detached dwellings, that have similar setbacks from the road, under pitched roofs that are mainly two storeys high. Most of the properties in the immediate area have small spaces between them, except where the rear gardens of properties that face onto neighbouring roads adjoin the side boundaries of properties facing onto Mays Lane. The layout and pattern of housing development in this area did not indicate to me that it had a particularly low density. I saw on

my site inspection that there is established planting to the front of some of the properties nearby, including at no's 100 and 102 Mays Lane, and no.84 Cedar Lawn Avenue.

5. Barnet's Residential Design Guidance, Supplementary Planning Document, dated October 2016 (SPD) says its main purpose is to prevent inappropriate designs that do not take opportunities to improve and complement the character and quality of an area. The SPD further says development should respect local distinctiveness, including the pattern of surrounding development, respect existing building lines and setbacks, and be of an appropriate scale, height, and massing. It adds that side extensions should not be more than half the width of the original house, be setback at least 1 metre at first floor level on their front elevations, and there should normally be a 2 metre gap between first floor walls of properties.
6. The proposed development would continue the existing building line at ground floor, with both a setback at first-floor level and a lower ridge height than no.106. From the front elevation, its simple design, pitched roof plane and scale would relate sympathetically to no.106 and help break up some of its vertical emphasis and not be a dominant feature itself. The proposed development would be in line with the rear of no. 106, and similar to the rear elevation of no.104, as a result its depth and scale would not be inconsistent with the surrounding building form. Its width is also said to not be more than half the width of no. 106 ensuring its scale would be subordinate, and it would not make the appeal property overly bulky or prominent. Consequently, and notwithstanding the extensions and alterations already undertaken to no.106 the proposed development in terms of its siting, scale and design would have a satisfactory relationship with it.
7. The proposed double gable roof form together with its flat roof across the rear part of the proposed building, would be different to many of the simpler roof forms nearby. However, no 106 already has many different roof designs, including both flat and pitched roofs, and although it is positioned further forward than no.104, views of it from the front and side would mainly show a pitched roof significantly below no. 106's main roof height. That, together with the various changes already made to no.106 would mean it would not appear out of character with the property. Furthermore, the landscaping across the frontages of nearby properties, along with the position of no. 104 itself, would ensure the appearance of the double gable form and rear roof part would not necessarily be particularly prominent or harmful from public vantage points.
8. The proposed development would infill part of the space between no.106 and no.104, it is said that there would be approximately a 1 metre gap between the side of the proposed dwelling and the side boundary and a total space of 1.9 metres between the proposed development and no.104. Although currently the space between the properties is mainly only seen when looking directly between the two properties from Mays Lane, and the view to other residential gardens behind them is not significant. The narrowing of this space would not harm the rhythm of development or the character and appearance of the area, as there would still be a wide space retained between no.84 and no.106 to the opposite side, which is more characteristic of the area. Furthermore, the proposed development of this area, would also allow the optimisation of the site and make a more efficient use of land.

9. It is noted that the Council has said that there should be a 2-metre space between properties, as set out in its SPD. However, in light of my findings above, the minor conflict with the SPD in this case, would still ensure that there would be adequate space retained between the properties and that there would be no harmful effects to the character and appearance of the area.
10. The proposed new dwelling is capable of having a plot depth that is similar to the surrounding properties, and although its plot width is likely to be narrower than many of the properties nearby, as it is designed to appear as an extension to the host property, with its front door on its side elevation, it would not be harmful to the character and appearance of the area. There could, subject to a condition to subdivide the curtilage, also be adequate outdoor space provided for the host property and the proposed new dwelling. Consequently, I am not persuaded that its appearance and plot size would be cramped or harmful to the character and appearance of the area.
11. Both parties have made me aware of the planning history at the appeal site, which included two appeals that were dismissed relating to its redevelopment for 2 semi-detached dwellings¹; and an appeal for a change of use of the existing property into a 7 person House in Multiple Occupancy (HMO)². In addition, a lawful development certificate³ was issued in respect of using the appeal property as a care home.
12. The main issues on the appeal regarding the proposed HMO related to the effect on existing living conditions and the loss of the family housing, and whether the site was suitable for an HMO. The main issues on the appeals relating to 2 no. dwellings at the appeal site related to existing and future living conditions, and there was no harm identified in either case to the character and appearance of the area. All three of those earlier appeal schemes were much different to the proposed development that is before me, and the decisions on those appeals have not led me to conclude differently regarding the proposed development.
13. It is also noted that planning permission⁴ was granted for a two-storey extension to no. 106 in 2019 (that has now lapsed), which had some similarities in terms of its siting and appearance to the appeal scheme. I note the Council's comments about why they consider that the circumstances have changed, particularly the development plan policies. Nevertheless, in view of my findings above regarding the acceptability of the proposed development, it was not necessary for me to consider the earlier permission any further.
14. I therefore conclude that the proposed development would have a satisfactory effect on the character and appearance of the host property, and the area. In doing so, I find the proposed development to also comply with the relevant requirements of Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 and BLP Policies CDH01, CDH02 and CDH05, that amongst other things seek to optimise the capacity of sites, make an efficient use of land in well-connected areas, ensure new development is of high architectural and urban design quality, which enhances local context, is inclusive and

¹ Ref. APP/N5090/W/23/3315244 and APP/N5090/W/23/3330580

² Ref: APP/N5090/W/23/3335750

³ Ref. 23/3143/192

⁴ Ref. 19/4203/HSE

accessible, and that extensions to buildings are subordinate, including their roof profile.

Other Matters

15. The comments of a nearby resident regarding noise and disturbance, which are understood to be from construction works, including burning that was said to have taken place recently at the appeal site are noted. Those works are understood to relate to other development, not part of this appeal proposal and they are separate matters. In this case, a construction method statement could be imposed as a planning condition, to minimise disruption for nearby residents during construction works.

Conditions

16. A standard implementation condition (1) has been imposed, along with a condition (2) listing the approved plans to provide certainty over what has been approved. A condition (4) is also necessary to ensure the external materials harmonise with the character and appearance of the host property and the area. Condition 4 will also require the permeability of the new hard surfaced areas to be submitted and agreed by the Council, which is necessary to ensure sustainable drainage.
17. To protect the living conditions of neighbouring occupiers, conditions are necessary in respect of a construction method statement which incorporates the relevant parts of the suggested condition by the Council (3), and to ensure obscure glazing for a first-floor window facing No.104 Mays Lane (5). A condition is also necessary to ensure that no. 106 Mays Lane's curtilage is split to provide a suitable garden for both the existing and proposed dwelling to ensure adequate living conditions for future occupiers (10). On the information before me I am content that this can be undertaken in a way that is consistent with the plot arrangements in the wider area and would ensure future occupiers have a satisfactory area of outdoor space.
18. As the details have already been provided and there has been no objection raised in regard to them, conditions are necessary to ensure the proposed secure cycle storage area is provided (6) to encourage sustainable transport, and the proposed refuse and recycling facilities (7) are provided in accordance with the details specified on the approved plans to protect the character and appearance of the area and satisfactory living conditions for future occupiers.
19. Finally, conditions are necessary to minimise energy usage and water consumption (8 and 9).
20. Whilst the plot size for the new dwelling is not large in comparison to some nearby, there were no special circumstances demonstrated to justify removing permitted development rights for alterations/extensions to the approved dwelling by condition as suggested by the Council. The approved elevations show the proposed new dwelling attached to no. 106, and the proposed front areas in front and behind it are already in use as garden to no. 106, so a condition regarding levels was not necessary. As there were no trees at or adjoining the appeal site that are likely to be affected by the proposed development, a condition was not necessary to protect them and given the existing appearance and use of the site, a condition requiring new planting was also not considered to be required in this case. As no.

106 is an existing dwelling, it was also not reasonable or necessary to impose a condition requiring secure cycle storage for its occupiers.

21. It is acknowledged that the Council has said a Biodiversity Net Gain (BNG) has been accepted as being capable of being achieved at the appeal site. The Planning Policy Guidance (PPG) makes it clear that the BNG requirement should not be imposed as a planning condition, as any permission will automatically be subject to the BNG deemed condition, by virtue of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 Act.

Conclusion

22. The proposed development accords with the development plan when taken as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, I conclude that the appeal should be allowed.

A Hunter

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan; drawing no's PB-02 rev. D; PB-03 rev. D; PB-04 rev. D; PB-05 rev. D; and PB-06 rev. D.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - areas for the parking of vehicles of site operatives and visitors;
 - the loading and unloading of plant and materials;
 - the storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding;
 - measures to control noise, and the emission of dust and dirt during construction;
 - and,
 - delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) Prior to any works above ground level, precise details of all external materials to be used on the exterior of the new extension and ground surfacing materials for hard landscaped areas, including their permeability, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

- 5) Prior to the first occupation of the development hereby approved, the first-floor bathroom window on the side elevation shall have been installed with obscure glazing, in accordance with precise details, including the level of its obscurity, that shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be retained in accordance with the approved details.
- 6) Prior to the first occupation of the development hereby approved, secure cycle parking shall be provided in accordance with that shown on drawing no. PB-04 rev. D. Thereafter these secure cycle parking areas shall be retained in perpetuity for this use and not used for any other purpose.
- 7) Prior to the first occupation of the development hereby approved, refuse and recycling storage facilities, including the screening measures, shall be provided in accordance with the details shown on drawing no. PB-04 rev. D. Thereafter the refuse storage facilities shall be retained in perpetuity for their intended purpose.
- 8) Prior to the first occupation of the development hereby approved, measures which ensure a carbon dioxide emission reduction of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2023 Building Regulations shall have been completed within the dwelling hereby approved. The development shall be maintained as such in perpetuity thereafter.
- 9) Prior to the first occupation of the new dwelling hereby approved, it shall have been constructed to have 100% of its wholesome water supplied by the mains water infrastructure provided through a water meter or water meters and shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach used to determine the water consumption of the proposed development. Any use of grey water and/or rainwater systems must be separate from the potable (wholesome) water system. Thereafter the development shall be maintained as such in perpetuity.
- 10) Prior to the first occupation of the dwelling hereby approved, details of the sub-division of the curtilage relating to no. 106 Mays Lane, and the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for its implementation. Thereafter the development shall be undertaken in accordance with the agreed details and timetable.

End of Schedule of Conditions