
Appeal Decision

Site visit made on 20 May 2025

by **H Senior BA (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 June 2025

Appeal Ref: APP/N5090/W/24/3358151

10 Woodcote Avenue, Mill Hill, Barnet, London NW7 2PE

- 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 Nicolaos Loizou against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/3467/FUL.
 - The development proposed is extensions and conversion to 4 flats at no.10 Woodcote Avenue, London, NW7 2PE
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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Barnet's Development Management Policies Development Plan Document (2012) referred to in the Decision Notice have been superseded by policies from the Barnet Local Plan 2021-2036 (2025) (BLP).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.
4. 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 to this appeal.
5. Amended plans have been submitted which include the addition of private outdoor amenity space for Flats 3 and 4. With regard to the Holborn Studios judgment¹ it is necessary first to consider whether either of these amendments would result in a fundamental change to the nature of the development, and then whether accepting the proposed amendment would cause unlawful procedural unfairness to anyone involved.
6. The original proposal included a specific garden layout for the development. It is not the purpose of the appeal process to allow the evolution of a proposal, and the proposed changes would result in a fundamental change to the nature of the development. Accepting the amendment would therefore cause unlawful procedural

¹ Holborn Studios Limited v The Council of the London Borough of Hackney (2017) EWHC 2823 (Admin)

unfairness as there are parties interested in the development and there is no certainty that they are aware of the proposed changes.

7. The appeal was accompanied by a Preliminary Ecological Appraisal and Preliminary Roost Appraisal. The Council now consider that there is sufficient ecological information available and that reason for refusal 5 can be withdrawn. I have no reason to disagree and have determined the appeal on this basis.

Main Issues

8. The main issues are:

- the effect of the proposal on the character and appearance of the host dwelling and the surrounding area;
- the effect of the proposal on the living conditions of neighbouring occupiers with regard to light and outlook; and
- whether the proposal would provide acceptable living conditions for the future occupiers with regard to private outdoor amenity space and stacking.

Reasons

Character and Appearance

9. The appeal site is a previously extended end terrace occupying a corner location in a large plot, with amenity space to both the side and front. It lies in a predominantly residential area, with a mix of house types which are set back from the road giving an open and verdant character to the area and a regular rhythm to the street scene.
10. The majority of the dwellings in the area remain as single dwellings. The proposed use as four flats rather than a single dwelling, would increase the potential occupancy of the building to 11 people. This increase in occupiers would result in additional comings and goings, including car movements and deliveries over and above those that would be expected from a single dwelling. This would be in part due to the formation of separate households that may well have differing independent lives and living, working and social patterns, with comings and goings at different times of the day. The conversion to four flats would therefore not be in keeping with the character of the local area.
11. Whilst the proposal would follow the building line of 12 Woodcote Avenue, this would be the side elevation of the proposal as opposed to the front elevation of No 12 and due to its corner position, it would be prominent in the street scene. When viewed from the front elevation of the host dwelling the resultant building would appear wider and from the side view there would be additional depth which would be out of keeping with the nearby dwellings and appear as a bulky and irregular building. The introduction of a dormer roof extension, whilst on the rear of the existing dwelling, would increase the massing of the roofscape further harming the character of the area.
12. Although the refuse and cycle storage areas would not be visible from the highway and some soft landscaping would remain around the proposal, the two-storey rear and side extensions would project into the currently open frontage, which together

with the additional parking spaces would increase the prominence of the building in the streetscene.

13. For the reasons given, the proposed development would harm the character and appearance of the host dwelling and the surrounding area. It would conflict with Policies CDH01 and HOU03 of the BLP and Policy D3 of the London Plan (2021) (LP) which together, and amongst other matters, seek to ensure development responds sensitively to local character and design, patterns of development, scale, massing and roof form.

Living Conditions of Neighbouring Occupiers

14. The appeal is accompanied by a Daylight, Sunlight & Overshadowing Assessment and I accept that it concluded that there would not be a significant change in the amount of daylight and sunlight reaching the habitable room windows of the neighbouring properties. However, due to the height and proximity to the boundaries with neighbouring properties of the two-storey extensions, they would be overbearing, would increase the sense of enclosure and harmfully decrease the outlook from 8 and 12 Woodcote Avenue, reducing the living conditions of the occupiers.
15. Whilst I have found that the proposal would not significantly reduce the light to the neighbouring dwellings, it would harm the living conditions of neighbouring occupiers with regard to outlook. It would conflict with Policies CDH01 and HOU03 of the BLP and Policy D3 of the LP which together, and amongst other matters, seek to ensure development has no unacceptable impact on the amenity of occupiers of neighbouring properties and allow for acceptable levels of outlook for adjoining occupants.

Living Conditions of Future Occupiers

16. Policy D6 of the LP, amongst other matters, requires that there is a minimum of 5 square metres of private outdoor space for a 1-2 person dwelling, with an extra provision for each additional occupant. In this case, proposed Flats 1 and 2 would be provided with sufficient private outdoor space, however there is no private outdoor space provision for Flats 3 and 4. The proposal would not therefore provide an acceptable level of private outdoor space for relaxing, drying washing and other domestic activities. This lack of a sufficiently suitable amount of outdoor space would therefore harm living conditions of future occupiers.
17. The Council has directed me to the Residential Design Guidance Supplementary Planning Document, which in paragraph 9.6, states that design and layout of development should minimise the potential for noise transfer and that the vertical stacking of rooms between flats should as far as is practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms.
18. The plans show that the living area of Flat 3 would lie directly above the bedrooms of Flat 2. I note that both parties have suggested that this matter could be dealt with by the imposition of a pre commencement condition were I to allow the appeal and I have had regard to the appeal decision² that has been brought to my attention where such a condition was attached. I do not have the full details of that proposal before me and therefore cannot be certain of the circumstances around the

² Appeal Ref- APP/M5450/W/21/3282245

approval. In any case I do not consider that it would be appropriate to address matters in this way that go to the principle of whether or not the proposal would be acceptable.

19. The proposal would not provide acceptable living conditions for the future occupiers with regard to private outdoor amenity space and stacking. It would conflict with Policies CDH01 and HOU03 of the BLP and Policy D6 of the LP which together, and amongst other matters, seek to ensure development provides sufficient private outdoor amenity space and mitigates adverse noise impacts on amenity through design, layout and insulation.

Other Matter

20. I have had regard to the previous appeal decision³ that I have been referred to. However, I note that there are clear material differences between the proposal and the individual circumstances surrounding it. These include the number of properties in use as flats in the area surrounding the appeal location and the adoption of the BLP which gives the policies within it full weight. In addition, I have determined the appeal on the specific circumstances of the site.

Planning Balance and Conclusion

21. The appeal scheme would conflict with the development plan in relation to the character and appearance of the host dwelling and the surrounding area, living conditions of neighbouring occupiers and living conditions of future occupiers. These are all harms to which I attribute significant weight. Set against this, the proposal would be in a sustainable location, there would be no harm to protected species, and it would provide additional dwellings 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. However, given the magnitude of the development, these benefits would attract limited 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 in accordance with it. The appeal should therefore be dismissed.

H Senior

INSPECTOR

³ Appeal ref- APP/N5090/W/24/3340481