
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: 27 June 2025

Appeal Ref: APP/N5090/W/24/3357575

2A Sherwood Road, Hendon, Barnet, London NW4 1AD

- 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 D Fahiman against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/2490/FUL.
 - The development proposed is demolition of existing house and erection of two detached houses.
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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Barnet's Development Management Policies Development Plan Document (2012) referred to in the Decision Notice have been superseded by policies from the Barnet Local Plan 2021-2036 (2025) (BLP).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.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the site and the surrounding area including on the health of protected trees.

Reasons

5. The appeal site is an existing dwelling in a predominantly residential area. The area is characterised by large, detached dwellings in generous plots, several of which have been extended or rebuilt. Although of differing designs and styles, the size and massing create a regular rhythm to the street scene.
6. The existing detached dwelling is part single storey with a flat roof which, it is accepted, is different to the prevailing character of dwellings. There is a previously approved¹ application on the site for a single replacement dwelling. The proposal

¹ Planning Ref- 22/5573/FUL

would have a similar massing and footprint to the previous approval, although it would divide the plot into two narrower plots, each with an individual detached dwelling. Although there would be a small gap between the proposed dwellings, they would remain relatively close to each other, and due to the narrow plots would appear cramped in the street given the regular rhythm.

7. Whilst the appeal site is the first plot on Sherwood Road, with dwellings only to one side of it, it would be viewed in the context of the larger plots in the streetscene. The appeal proposal would also appear at odds with the prevailing character as it would split the characteristic large plot into two narrower ones. Although larger, the extant permission for one dwelling would retain the characteristic large plots of the street and retain the pattern of development in the area.
8. Whilst the proposal would result in relatively small gardens as the depth of the plot when compared to others is not as deep, it would provide sufficient outdoor amenity space as required by the development plan.
9. There are two trees which would have development within their Root Protection Areas. The False Acacia tree is substantial in size and located in the front garden of the appeal site and close to its boundary. It is an attractive specimen of some considerable maturity, height and canopy spread. A further protected Red Oak is situated outside the appeal site to the rear. These trees make a significant and positive contribution to the character and appearance of the area, being seen from a number of vantage points. They are subject to a Tree Preservation Order (TPO). A third protected tree to the rear of the site would not have development within its Root Protection Area.
10. The arboricultural survey for the trees indicates that they would be likely to survive on site for many years. Most of the development would utilise the existing footprint of the dwelling, however, two areas to the front and rear of the proposed right-hand dwelling would be beyond the existing footprint. Having had regard to the “Short report for 2a Sherwood Road, Hendon” submitted with the appeal documents, I have no reason to doubt that the proposed ring beam foundations of the dwelling were designed to reduce its impact on the trees’ roots. However, the plans referred to in paragraphs 3.2 and 3.3 are not in evidence before me. In their absence I cannot be certain of the approach taken to identify and determine how this could be implemented to protect the tree from development within its Root Protection Area, including whether there would be excavations below the current ground level. Any damage to the longer-term health of the trees, leading to their demise in the future, would be significantly detrimental to the character and appearance of the area.
11. The appellant has suggested that details of foundations and tree protection matters could be subject to a pre-commencement planning condition but, to my mind, they go to the heart of whether the proposal would harm the health of the protected trees. It would therefore not be appropriate to address matters in this way that go to the principle of whether or not the proposal would be acceptable.
12. The proposed development would harm the character and appearance of the appeal site and the surrounding area and it has not been satisfactorily demonstrated that there would be no harm to the health of protected trees. It would conflict with Policies CDH01 and HOU03 of the BLP and Policies D1, D3, D4 and G7 of the London Plan (2021) which together, and amongst other matters, seek to

ensure development responds sensitively to distinctive local character and considers local context and that trees of value are retained.

Other Matters

13. Each house would provide two parking places, cycle storage and refuse and recycling storage. They would also meet the required accessibility standards and have water supply through meters. In addition, they would not cause harm to the living conditions of neighbouring occupiers. These matters would however result in a lack of harm in each case and not therefore weigh in the proposed development's favour. They would be neutral in any balance.
14. Although the appellant states, in their Planning Statement, that the council failed to meet its housing delivery target for 2021/22, the most recent figures for the Housing Delivery Test 2023 show a 104% delivery over the last three years. Therefore, the National Planning Policy Framework (the Framework) paragraph 11(d) balance is not engaged for the purposes of this appeal.

Planning Balance and Conclusion

15. The Framework says decisions should support development that makes efficient use of land. Given my findings in respect of the main issues, in the context of this appeal, the proposal would not amount to an effective use of land, particularly as one of the key aims of the Framework is to safeguard and improve the environment.
16. The appeal scheme would not accord with the development plan in relation to the character and appearance of the site and the surrounding area including on the health of protected trees. It would however provide an additional dwelling, that could both contribute to the supply of dwellings and to the mix and supply of homes in the area. This would support the social and economic objectives of the Framework. The proposed dwellings would also exceed energy efficiency standards, with a 35% reduction in carbon dioxide emissions. However, given the magnitude of the development, these benefits would attract limited weight in favour of the proposal. The benefits of the proposal would not outweigh the substantial harms identified and this leads me to conclude that the proposal would not accord with the development plan when considered as a whole. The appeal should therefore be dismissed.

H Senior

INSPECTOR