



Appeal Decision

Site visit made on 21 April 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/N5090/W/24/3355913

4 The Fairway, Mill Hill, Barnet, London NW7 3HJ

- 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 Manish Patel against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/2425/FUL.
 - The development proposed is described as: Creation of a 2 storey, 2 bedroom house with a car park space and subdivision of the existing rear garden.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the refusal of the planning application, the Barnet Local Plan 2021-2036 was adopted in March 2025 (Local Plan). This superseded the saved policies of Barnet's Local Plan Core Strategy Development Plan Document (2012) (Core Strategy) and Barnet's Local Plan Development Management Policies Development Plan Document (2012) (DMPDPD). I am required to determine this appeal on the basis of the development plan which is in force at the time of my decision. The Council submitted the relevant policies of the Local Plan within its initial appeal documents and therefore provided the Appellant and any other interested parties an opportunity to submit their views on the relevance of these new policies. Consequently, there would be no prejudice to any party and this appeal has therefore been determined in relation to the policies contained within the Local Plan.

Main Issue

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

Reasons

4. The appeal site forms a two-storey, semi-detached property set back from the highway on a prominent corner plot. The surrounding area is primarily residential in character with the exception of an industrial site on the opposite side of the highway. Whilst there is a variation in the scale and design of properties within the area, there is a consistency in the semi-detached pairs along this section of The Fairway, inclusive of the appeal property. This gives each pair a symmetry that benefits the character of the street scene.

5. The appeal property benefits from a generous open area between the end elevation and the highway. The existing side garden includes a parking area and poor quality, single storey covered area primarily screened from the public realm by the boundary fence. The absence of development above two-storey level within this open area contributes to the spaciousness of the street scene. This openness is particularly apparent when viewed from The Fairway, affording views of a triangular green space and mature trees beyond, giving the street a broad and green character.
6. The proposed dwelling would adjoin the end elevation of the semi-detached property, extending into the adjoining open area at two-storey level. The proposal would comprise similar architecture and materials including a side window and chimney. Nevertheless, it would be narrower than that of the adjoining property, unbalancing the symmetry of the existing pair and appearing alien and out of keeping with the surrounding matching pairs of dwellings.
7. The proposal would intrude on the generous gap between the end elevation of the existing dwelling and the highway. As such, it would disrupt views and narrow the street scene. This would be particularly evident when viewed from The Fairway, where the proposal would screen views of the mature trees and green area beyond. Whilst the proposal would remove the existing poor quality covered area, this would not outweigh the harm the proposal would cause to the existing spaciousness and open character of the area.
8. Whilst the proposal may obscure some views of the industrial site from Westmere Drive, this would not justify the harm of the proposal to the open character of the wider street scene. I acknowledge that the proposal is reduced in scale in comparison to appeal APP/N5090/W/23/3324167 and retains a modest gap between the end elevation and the highway. Nevertheless, it would continue to have a harmful effect on the open character of the area for the reasons set out above.
9. The proposal would split the existing side garden, part of which would be utilised by the occupiers of 4 The Fairway (No 4). Whilst there would be a physical separation between this garden area and property, it would follow the existing linear, elongated pattern of the surrounding rear garden areas, including the number of examples of the division of gardens raised by the appellant. As such, the proposal would reflect the existing nature of the surrounding garden areas. Nonetheless, this is a neutral matter that does not outweigh the other visual harms.
10. For these reasons, the development would be harmful to the character and appearance of the area. Consequently, in this regard, it would conflict with the relevant provisions of Policy D3 of the London Plan, and Policy CDH01 of the Local Plan. When read together these policies require development to enhance and respect local context by responding positively to local distinctiveness through their layout.
11. The proposal would additionally conflict with the Residential Design Guidance Supplementary Planning Document (2016) (SPD) which, when read as a whole, requires new development to complement the character of the area through its layout and siting.

Other Matters

12. The proposal would not cause harm to the living conditions of neighbouring residents or future occupiers of the proposal. Further, I note the appellant's comments regarding the reduction in size of the rear garden making it easier to maintain and the properties easier to rent. Nevertheless, these factors do not justify the proposal given the harm that I have identified to the character and appearance of the appeal site and surrounding area. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

13. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above I conclude that the appeal should be dismissed.

N Unwin

INSPECTOR