



Appeal Decision

Site visit made on 10 April 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2025

Appeal Ref: APP/N5090/W/24/3353093

Site of 4 Hill Crescent, Whetstone, Barnet, London N20 8HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Philip Eccles against the Council of the London Borough of Barnet.
 - The application Ref is 24/3096/FUL.
 - The development proposed is the construction of a new 3 bedroom, 2 storey detached dwelling built to wheelchair user specification (Part 4M(3)).
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. The appeal relates to a planning application which was not determined by the Council within the prescribed period. The Council has, however, provided putative reasons for refusal, should it have made a decision. I have had regard to these, and the submissions of the parties, in establishing the main issues below.
3. The Council has confirmed that the Barnet Local Plan 2021-2036 (BLP) was adopted on 4 March 2025. It replaces the previous Local Plan (2012), comprising the Core Strategy and Development Management Policies Development Plan Documents. The Council has also confirmed that existing supplementary planning documents remain extant unless or until they are replaced or updated.
4. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. The Council has suggested that policies ECC05, ECC04, CDH04, CDH01, HOU03, GSS01 and ECC07 are now the policies relevant to the determination of this appeal. The main parties have had the opportunity to comment on the implications of this change during the appeal process.
5. The second putative Reason for Refusal relates (in part) to insufficient information having been submitted with regards biodiversity. I note that a 'headline' page of a Small Sites Metric biodiversity assessment was submitted, and the planning application was validated by the Council. However, the information submitted does not meet the minimum requirements set out in Article 7(1A) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 because it does not include the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat. Nevertheless, should I have been minded to allow the appeal, it would have been

open to me to request missing or incomplete information from the parties.
Therefore, I have proceeded with my determination of the appeal on this basis.

Main Issues

6. Having regard to the above, the main issues are the effect of the proposed development on i) the character and appearance of the area, and ii) wildlife, with particular regards protected species.

Reasons

Character and appearance

7. The appeal site comprises land to the side of 4 Hill Crescent (No 4), a large detached two-storey dwelling sited on a bend in Hill Crescent on its western side. It forms part of a section of Hill Crescent, to the south of Totteridge Lane and up to the bend, where the pattern of residential development is characterised by large, detached dwellings which are set on a similar front building line with spacious plots and wide, typically open, frontages to the road. As identified on the appellant's Character Appraisal Plan, the character and appearance is quite different moving further away from the appeal site where Hill Crescent turns the bend towards Longland Drive and dwellings are mostly sited closer to their side boundaries.
8. A private driveway from Hill Crescent runs alongside the appeal site, separated from it by a high hedgerow, and serves 4a and 4b Hill Crescent (Nos 4a and 4b). These detached dwellings have a more informal arrangement and orientation, but, whilst their overall plot sizes, shape and use of materials differ to each other, they nonetheless share some commonality with the residential development to the north, notably the characteristic wide, spacious plot frontages. It is proposed to construct a two-storey detached dwelling which would be orientated toward the private driveway. The access would be from an existing vehicle crossover, which would not result in the loss of the existing high hedgerow or trees.
9. Although No 4 has a relatively shallow rear garden, it nonetheless has a wide frontage to Hill Crescent and the dwelling currently sits comfortably within its plot. The proposed dwelling would be offset a minimal distance from the existing flank elevation of No 4 and would occupy much of the width and depth of the appeal site. It would not reflect the typical plot widths or the pattern of development of this part of Hill Crescent. Both No 4 and the new dwelling would be sited close to their side boundaries, relatively cramped on their respective plots to the detriment of the prevailing open and spacious character. The occupiers of the proposed dwelling would benefit from large sections of glazing, which would provide 'green views' of the gardens, but this would not mitigate this significant harm to character or maintain any perceived spaciousness.
10. The orientation toward the private driveway results in a narrow (flank) elevation to Hill Crescent, which would be just over half the width of No 4 and noticeably narrower than other dwellings on either side of Hill Crescent to the north. On this elevation, the first floor of the proposed dwelling would broadly align with the front elevation of No 4 but the ground floor would project closer to the Hill Crescent frontage. Even though it would be sited at a lower ground level than No 4, the corner of this ground floor projection, rather than being barely seen, would be unduly prominent in the streetscene when travelling from the direction of Totteridge Lane. This would be despite the high hedgerow along part of the

frontage, which is on neighbouring land. Instead of creating its own typology with No 4a and 4b, the proposed dwelling would appear incongruous in the streetscene and would fail to reflect the established front building line along this side of Hill Crescent.

11. Accordingly, the proposal would conflict with the guidance in the Council's 'Supplementary Planning Document: Residential Design Guidance' (2016) which advises that the design and layout of new development should be informed by the local pattern of development. The design of the appeal proposal would also conflict with its guidance that the continuity of building lines and space about the building (amongst other things) are likely to be significant factors when redeveloping sites within existing residential areas.
12. Informed by the design of 96 Laurel Way, the proposed dwelling would be of contemporary design, with a flat (sedum) roof, constructed in a yellow buff brick, with large areas of full height glazing at ground floor and first-floor windows with larch louvres. Mindful that Policy D3 of the London Plan 2021 (LP) supports a design-led approach, and that the National Planning Policy Framework (the Framework) does not seek to prevent or discourage appropriate innovation or change, I am satisfied that such a contemporary design is appropriate in this location. It would assimilate with the varied architectural design and typology of dwellings in the surrounding area.
13. However, the flat roof of the proposed dwelling would be well below the height of the eaves of the hipped roof of No 4. Whilst this would afford views towards trees beyond the appeal site, the low height, narrow width, and siting at a lower ground level, means that the proposed dwelling would appear much smaller in scale and massing than No 4. Although views of the proposed dwelling would be limited from the direction of Longland Drive, it would nevertheless be seen close-by on Hill Crescent and from the direction of Totteridge Lane. Given the limited space available, I am not persuaded that new trees on the frontage of the appeal site would be effective in screening the proposed dwelling. Rather than appearing a subservient addition to No 4, the discordant scale and massing of the proposed dwelling would appear an unsympathetic addition to the streetscene.
14. The appellant has drawn my attention to a dwelling at land adjacent to 2 Birley Road considered comparable to the appeal proposal. I do not have full details of this dwelling, but from the photograph provided, it is of similar contemporary design, constructed in a yellow brick with a flat roof. However, I have no further information before me in respect of its context or the development plan policies against which it was assessed. I cannot, therefore, draw any direct comparison between this scheme and the appeal proposal which would weigh in its favour. I have also been provided with reference numbers of 'appeals of note', which in addition includes the reference number of a planning application made to the Council, but it is not clear from the evidence how these are comparable to the appeal. I have considered the appeal on its individual merits and site characteristics. Reference to the other dwelling and appeal decisions mentioned therefore has not altered my findings in relation to this main issue.
15. I therefore conclude that the proposed development would cause significant harm to the character and appearance of the area. It would conflict with LP Policy D3 and BLP policies GSS01 and CDH01 which together, amongst other things, promote good or high-quality design which enhances local context and responds

sensitively to distinctive local character and design, building form and patterns of development.

16. The offsite trees and high hedgerow along the boundaries of the appeal site would not be removed and consequently there would be no conflict with LP Policy G7 which requires, wherever possible, that trees of value are retained. Although I have been provided with BLP policies HOU3 and CDH04, these relate to residential conversions and tall buildings respectively and are not therefore determinative to this main issue.

Protected species

17. A Preliminary Ecological Appraisal was not submitted with the planning application and the Council allege that the absence of such information means it is not possible to properly assess the impact of the proposal on protected species in accordance with their statutory duties. Circular 06/2005¹ advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development is established before planning permission is granted. However, it goes on to advise that, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.
18. In this case, there is a mature Italian Cypress hedgerow which is sited on neighbouring land but overhangs the frontage of the appeal site, as well as off-site trees which are close to the boundaries. It is likely that some cutting back would be required either side of the existing vehicle crossover to the site to increase its width, but save this, there would be no loss of the hedgerow, or trees. Adjacent to the flank elevation of No 4 is an area of broken up hardstanding (used to store building materials) and the rest of the appeal site is laid to lawn. Based on these observations, and the evidence before me, I am satisfied that there is no reasonable likelihood of protected species being present or wildlife being affected by the development, nor is this explicitly alleged by the Council.
19. Consequently, I conclude that the proposed development would not have an unacceptable impact on wildlife, with particular regards protected species. There would be no conflict with BLP Policy ECC07 which seeks to protect existing site ecology. I have been provided with LP Policy G5 and BLP policies ECC04, ECC05, HOU3 and CDH01 but as these relate to urban greening, Barnet's parks and open spaces, waste, residential conversions and design they are not determinative to this main issue.

Planning Balance and Conclusion

20. The appeal proposal would make use of a small, under-utilised site delivering a 3-bedroom dwelling, identified in the BLP as being the size of dwelling in greatest need across all tenures. It would be reasonable to assume that the proposal may accommodate downsizers and therefore has the potential to 'free up' larger homes in the Borough. The proposal would also contribute to the supply of housing, and to the variety and type of accommodation, but the weight attributable to this is limited by the small scale of the development.

¹ Government Circular: Biodiversity and Geological Conservation (August 2005)

21. Further, the proposed dwelling has been designed so that it would meet the optional access standard in part M4(3) (wheelchair user dwellings) of the Building Regulations and includes level access (with no thresholds) and an internal lift, which would also be suitable for older persons. The LP and BLP promotes the delivery of homes that meet the needs of older people and those people with disabilities, and it is a policy requirement that 10% of new dwellings are wheelchair accessible.
22. Additional benefits would arise from supporting local building contractors and the wider building industry, and, by limiting emissions through the inclusion of solar panels and battery storage, the new dwelling would contribute in a very small way to achieving net zero targets. In only using electricity, the proposed house would also not pollute the air.
23. However, given that the scheme is for a single dwelling, I attach limited weight to the benefits and positive considerations identified above in favour of the scheme.
24. There is no dispute that the appeal site is in an area with good access to services and facilities, a short walk from Whetstone and Totteridge underground station, and that future occupiers would have access to sufficient amenity space and internal living accommodation. I note that the Council have raised no concerns regarding the outlook and privacy of both future occupiers and existing neighbours. I have also found no unacceptable impact on wildlife, including protected species. However, policy compliance, or a lack of harm in these respects, would be neutral considerations that would weigh neither for, nor against the proposal. Similarly, making the required contribution toward CIL would be a neutral matter.
25. The proposal would accord with LP policies H1, D5 and D7 and BLP Policy HOU02 in so far as they seek to increase the supply and mix of housing and require inclusive and accessible design. However, it would conflict with LP Policy H2 which pro-actively supports *well-designed* new homes on small sites. It would also conflict with BLP Policy HOU4 which supports proposals for people with health support needs where it is demonstrated that they will not have a harmful impact on the character of the area. LP Policy D3 and BLP policies GSS01 and CDH01 are broadly consistent with the Framework which requires well-designed places and development which will add to the overall quality of the area. I give the conflict with these policies significant weight, and there would be a conflict with the development plan as a whole.
26. The Council have confirmed via a very recently adopted local plan that they are able to demonstrate 5.09 years supply of deliverable housing sites including a 5% buffer. However, the appellant has alleged that, for reasons including (but not limited to) construction programmes, existing uses and planning and site constraints, several housing sites listed in the Council's trajectory would not be deliverable within the plan period (to 2036).
27. It is further alleged that there has been no cross or joint strategic cooperation with neighbouring councils (or at least evidence of such cooperation), contrary to paragraph 69 of the Framework which requires strategic policy-making authorities to show the extent to which any needs that cannot be met within neighbouring areas can be met over the plan period.
28. The latest Housing Delivery Test results published by the government, which uses both national statistics and local authority data, do not show that delivery of

housing has been substantially below the housing requirement over the past three years, but using recent local data the appellant assesses that a 20% buffer should be applied to the Council's supply of housing sites.

29. The appellant therefore calculates that the Council has only a maximum 4.46 year supply of deliverable housing sites. However, on the relatively limited evidence before me, I cannot be certain that the current housing land supply position is below that confirmed by the very recently adopted local plan. Nevertheless, if I were to accept the appellant's contention that there is a shortfall in the housing land supply, paragraph 11d)ii of the Framework would be engaged.
30. The development would align with the Framework where it seeks to increase the supply of housing and acknowledges that small-scale development can make an important contribution to meeting the housing requirements, often built out relatively quickly. The Framework further supports the effective use of land, especially if this would help to meet identified needs for housing, including housing needed for different groups in the community such as older people and people with disabilities. Finally, it aligns with the Framework in so far as it supports the transition to net zero by helping to reduce greenhouse gas emissions, albeit in a very small way. Given that the proposal is for one dwelling, these matters would attract limited weight in favour of the scheme.
31. The proposal would conflict with the Framework where it seeks to achieve well-designed places, and where it states that good design is a key aspect of sustainable development and is fundamental to what the planning and development process should achieve. Further, whilst not preventing or discouraging appropriate innovation or change, it would conflict with the Framework where it requires that development is sympathetic to local character and where it states that development that is not well designed should be refused, especially where it fails to reflect local design policies. I give this conflict significant weight.
32. Consequently, taking all of the above into account, and even if there is a shortfall in the housing land supply position, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole having particular regard to the policies referenced in the footnote of paragraph 11d)ii. These include policies which seek to achieve well-designed places. The presumption in favour of sustainable development does not therefore apply.
33. For the reasons given above, the appeal proposal would conflict with the development plan as a whole and material considerations, including the policies in the Framework, do not indicate that the appeal should be decided other than in accordance with it.
34. Therefore, I conclude that the appeal should be dismissed.

R Gravett

INSPECTOR