



Appeal Decision

Site visit made on 22 May 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th July 2025

Appeal Ref: APP/N5090/W/25/3360380

Land rear of 23 Margaret Road, New Barnet, Barnet EN4 9NP

Grid Ref Easting: 526768, Grid Ref Northing: 196123

- 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 Ozzie Brika of Brika Contractors Ltd. against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/3291/FUL.
 - The development proposed is construction of a self contained single storey residential dwelling with provision for one off street car parking space and private amenity area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that the policies from Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012) and Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012) referred to in the Decision Notice have been superseded by policies from the Barnet Local Plan 2021-2036 (March 2025) (BLP), which was adopted on 4 March 2025. All parties to this appeal were provided with the opportunity to comment on the BLP in the context of this planning appeal.
3. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. Policies referred to in the reasons for refusal, relating to the planning application subject to this appeal from the Barnet Local Plan 2012, are no longer relevant and are disregarded. A matrix detailing which BLP policies replace which old Barnet Local Plan 2012 policies is provided at Appendix B of the BLP. The Council has also indicated the particular policies of relevance.
4. The appellant has submitted amended plans with the appeal that illustrate additional openings to the south facing elevation and increase the size of the kitchen window opening. The appellant has also indicated that the Air Source Heat Pump (ASHP) could be repositioned within the amenity space.
5. Whilst the amended plans do not involve a substantial difference or fundamental change, they have not been subject to public consultation. However, due to the nature of the amendments, the representations made on the application, and that the Council have had the opportunity to review the amended plans, I am satisfied that taking them into account would not cause procedural unfairness to anyone involved in the appeal. As such, I have accepted the amended plans.

Main Issues

6. The main issues are the effect of the proposed development on:
- the character and appearance of the surrounding area;
 - highway safety; and,
 - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to outlook and the provision of private amenity space.

Reasons

Character and appearance

7. The appeal site is an open, rectangular-shaped, parcel of land, which I understand originally formed part of the rear garden to 23 Margaret Street and is now a stand-alone plot. No. 23 has been subdivided into flats with outdoor amenity space and parking spaces to the rear.
8. To the east, on the opposite side of Mulberry Close, is Margaret Court, a purpose-built flatted development consisting of three 3-storey blocks with open amenity space, car parking and a garage block to the rear. To the north is a more modern development of houses and flats within 2 and 3-storey blocks set amongst areas of landscaping and parking.
9. Whilst the appeal site has a predominantly residential context, it is partially set against the backdrop of commercial buildings and a church, which are located to the west.
10. The appeal site contributes to the open character and appearance of the space between the rear of the houses and the blocks to Margaret Court on Margaret Road and the development served by Mulberry Close to the north.
11. The proposed building would occupy a significant proportion of the site and introduce a detached structure that would appear as a standalone dwelling. The house would be positioned very close to 3 boundaries and adjacent to an off-street parking space and a small courtyard garden, giving it a very cramped appearance. This arrangement would sit at odds with the surrounding residential properties that are set within more spacious grounds, whether with front and rear gardens, open amenity space or landscaped areas.
12. The site has an extant permission for a single storey garage, which was intended to be used for the storage of classic cars, and a larger footprint compared to the proposal. However, the appearance of the approved garage as well as how the site would be used with associated comings and goings, would be materially different to the proposal before me.
13. Moreover, whilst the proposal would be single storey, it would be larger than the outbuildings in neighbouring gardens and would not have the same characteristics as these subservient ancillary outbuildings.
14. I acknowledge that the proposed elevation to Mulberry Close has been designed to replicate the characteristics of a boundary wall with minimal openings and still project a level of visual interest in the street scene. However, it would appear as a

standalone dwelling, within a constrained plot, with associated parking, outdoor amenity space, ASHP, and other domestic paraphernalia.

15. For the above reasons, the proposed development would be harmful to the character and appearance of the surrounding area. This would conflict with Policy CDH01 of the BLP, and policies D3 and H2 of the London Plan, which together seek, amongst other things, well-designed new homes on small sites that respond sensitively to the distinctive local character and design, building form, patterns of development, scale, massing, roof form and height of the existing context. It would also be contrary to the Council's Supplementary Planning Document: Residential Design Guidance (SPDRDG), which advises that the Council will not accept design that is considered inappropriate to its context.

Highway safety

16. The crossover for the extant permission for the garage on the appeal site is shown in a similar location to the proposal. A plan illustrates the swept path of a vehicle from Mulberry Close into the garage but not into the space to the front of the garage door, which is an approximate location of the proposed parking space that sits perpendicular to Mulberry Close.
17. The pavement is on the opposite side of Mulberry Close to the appeal site and the removal of the hoardings would result in no boundary treatment to the side of the adjacent parking spaces.
18. I observed some parking along Mulberry Close, including opposite the appeal site, with 2 wheels on the pavement. This road does have double yellow lines and such parking would impact on what appears to be a swept path shown on the submitted plans.
19. Whilst I acknowledge the similarities between the proposal and the extant permission, there are material differences that I have detailed above. Consequently, I cannot conclude with reasonable certainty that the proposed development would not represent a hazard to highway users, particularly in terms of the useability of the off-street parking space. Moreover, it is unclear whether such details could be secured by planning conditions.
20. Accordingly, I conclude that the proposed development would have an adverse effect on highway safety. The Council have indicated that Policy TRC03 of the BLP is of relevance, but this relates to parking management and the proposal would not conflict with this policy. The matrix within the BLP indicates that Policy TRC01 is relevant to the policies contained within the Decision Notice covering this matter.
21. The proposal is contrary to Policy TRC01 of the BLP, which seeks, amongst other things, to ensure that impacts on highway safety would be satisfactory. Furthermore, it would also be in conflict with the National Planning Policy Framework, which requires development to have an acceptable impact on highway safety.

Living conditions

22. The main living space to the proposed dwelling would consist of an open plan living/kitchen/dining area with full height windows overlooking the courtyard garden. However, the outlook from these would be impacted upon by the covered area immediately outside these windows.

23. There would also be a window to this living space that would look directly onto the boundary fence in very close proximity, as well as a projecting box window seat with narrow windows to either side looking along the narrow gap between the boundary treatment and the elevation of the proposed dwelling. A further projecting box window with a similar outlook would be located in the bed alcove, off the main living space. A horizontal window next to the kitchen units facing Mulberry Close would provide some outlook.
24. Nevertheless, the overall outlook would be greatly restricted, and the arrangement would result in an oppressive environment for future occupiers within the living space. The additional windows suggested by the appellant would increase the size of the horizontal window next to the kitchen units and add two narrow windows facing the proposed parking space. These would contribute to the overall outlook offer for future residents, but I remain unconvinced that it would provide an acceptable solution.
25. I note that the proposed dwelling would offer views of the sky via the clerestory windows, but these would not address the harm I have identified.
26. The proposed outdoor amenity space would meet the requirements set out in the BLP and the siting of the ASHP as shown on the submitted plans would not impact upon this provision. The space, that is partly covered, would be a practical shape and set back from Mulberry Close.
27. Whilst I have found that the proposed development would provide sufficient outdoor amenity space, I have found harm to the living conditions for future occupiers with regard to outlook. This conflicts with Policy CDH01 of the BLP, SPDRDG, and Supplementary Planning Document: Sustainable Design and Construction. Taken together these require a good standard of amenity, including outlook, for potential occupants.

Other matters

28. I acknowledge that the proposed development would make efficient use of land to provide an all-electric, low water use home, constructed to Future Homes 2025 and from materials that would enable end-of-life recycling, that is well located for services and public transport, and in a low flood risk area. I also recognise the intention to enhance biodiversity on the site and reduce storm water discharge, as well as provide a covered cycle store, and incorporate a supply for future electric vehicle charging.
29. However, these benefits are outweighed by the harm to the character and appearance of the surrounding area, highway safety and the living conditions for future occupiers.

Conclusion

30. The proposal conflicts with the development plan as a whole and the material considerations put forward in support of the proposed scheme do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

P Barton

INSPECTOR