



Appeal Decision

Site visit made on 18 June 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Appeal Ref: APP/N5090/W/25/3359635

St. Vincent's Farm Cottages, St Vincent's Lane, The Ridgeway, London NW7 1EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Vision Residences against the decision of the Council of the London Borough of Barnet.
- The application Ref is 24/4904/S73.
- The application sought planning permission for demolition of existing 8no. dwellings and ancillary buildings, and erection of a part single-storey, part two-storey building to provide 7no dwellings. Associated cycle parking, storage, parking and amenity space. Alterations to hard and soft landscaping (Amended Description & Site plan) without complying with condition 1 attached to planning permission Ref 16/8115/FUL, dated 17 May 2017.
- The condition in dispute is No 1 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: 1635.01.01 Rev h; 1635.01.02 Rev h; 1635.01.03 Rev h; 1635.01.04 Rev h; 1635.01.05 Rev h; 1635.01.06 Rev h; 1635.01.07 Rev h; 1635.01.08 Rev h; 1635.03.01 Rev J; 1635.03.02 Rev K; 1635.03.03 Rev h; 1635.03.04 Rev h; 1635.03.05 Rev h; 1635.03.06 Rev K; 1635.03.07 Rev h; 1635.03.08 Rev h; 1635.03.09 Rev h; 1635.03.10 Rev h; 1635.03.11 Rev K; 1635.03.12 Rev h; 1635.03.13 Rev h; 1635.03.14 Rev h.
- The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning, and so as to ensure that the development is carried out fully in accordance with the plans.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing 8no. dwellings and ancillary buildings, and erection of a part single-storey, part two-storey building to provide 7no dwellings. Associated cycle parking, storage, parking and amenity space. Alterations to hard and soft landscaping at St. Vincent's Farm Cottages, St Vincent's Lane, The Ridgeway, London NW7 1EL, without complying with condition 1 previously imposed on planning permission Ref 16/8115/FUL, dated 17 May 2017, and subject to the following conditions in the attached schedule.

Preliminary Matters

2. I note the Council's Enforcement section is investigating works¹ undertaken at the appeal site, including, amongst other matters, an enlargement of gardens, removal of a play area, and alterations to hard landscaping and parking. Any enforcement process is a separate matter and falls outside the scope of my assessment, which must focus on the planning merits of the appeal proposal.
3. It was apparent during my site visit that a number of units were occupied and that rooflights had been inserted into the east and west roof slopes, their number exceeding those shown on Plan 1636.04.01 Rev B, and that gable elevations are now present to two flank elevations of the single-storey elements. Any breaches of

¹ ENF/0055/24

planning control do not fall within my assessment, and I have dealt with the appeal based on the proposed plans submitted with the planning application, and which were considered and consulted upon by the Council.

4. The Council has confirmed that the Barnet Local Plan 2021-2036 (BLP) was adopted on 4 March 2025. It replaces the previous Local Plan, comprising the Core Strategy and Development Management Policies Development Plan Documents (2012). Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. The Council contends that Policies CDH01, CDH08 and ECC06 of the BLP are now the policies relevant to the determination of this appeal. These policies were on the decision notice and formed part of the reason for refusal. The main parties have had the opportunity to comment on the relevant policies of the BLP during the appeal process, and the appeal has been determined on this basis.

Background and Main Issue

5. In 2017, planning permission was granted, subject to a number of conditions, for the demolition of existing 8no. dwellings and ancillary buildings, and erection of a part single-storey, part two-storey building to provide 7no dwellings. The planning permission included condition 1, which specified the approved plans. The proposal seeks the removal of condition 1 and its replacement with a condition specifying the plans that reflect an amended design to allow the following changes to the single-storey element: an increase in ridge and eaves height, change from hip to gable and the insertion of a number of roof lights into the east and west roof slopes.
6. There is no dispute with regard to the development on the openness of the Greenbelt. The main issue is therefore the effect that varying the condition would have on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Mill Hill Conservation Area (the MHCA).

Reasons

7. The appeal site is located close to the northern boundary of the MHCA. The statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.
8. The MHCA Character Appraisal Statement (adopted April 2008) identifies the history and historical context of the area and provides guidance for development within it. It states that the MHCA includes a scattering of institutional buildings and houses strung out for a mile along the high ground of The Ridgeway, looking over Green Belt countryside, with many buildings well screened by mature trees and hedgerows.
9. Based on my observations, the significance of the MHCA is predominantly derived from the variety of building styles and materials, including those from the Arts and Crafts traditions and mid-century villas. These help give the area as a whole, its distinctive character.
10. The appeal property (St Vincent's FC) is an 'L-shaped' set of buildings comprising of part two and part single-storey elements. These are separated from the wider site of Millfields by gates leading to Belmont Racing Stables. Millfields and St

Vincent's FC are accessed via a long drive (St Vincent's Lane) with levels falling significantly from The Ridgeway towards the appeal property and the Ridgeway Views Woodland Gardens (Woodland Gardens) beyond. Mature planting is predominantly to the east and western boundaries, creating a vista from St Vincent's Lane through the appeal site. The immediate context also has a variety of roof designs, including a mix of oversailing eaves and hipped roofs and gables to Millfields, flat roofs to properties in and around Rosalind Close to the east of the appeal site, and gable elevations to properties bound by The Ridgeway.

11. The buildings of St Vincent's FC, when viewed alongside buildings located on The Ridgeway and within the Millfields site, are low-key and are not of any architectural merit. They do, however, provide a transition in both scale and appearance from the nearby more decorative and larger-scale buildings to the open countryside beyond.
12. St Vincent's FC stands predominantly alone, its height and distance from buildings within Millfields and The Ridgeway, together with the topography and the intervening landscaping, give the appearance of it having little connection to the wider MHCA. I therefore consider the appeal site to have a neutral effect on the MHCA.
13. The appellant's 'Permitted v Proposed' overlays show the difference in height across the single-storey roof and changes to the roof design with the original approval. There is a noted increase in height (approximately 0.7 metres) across the whole single-storey element, together with changes from two-hipped roofs to two gables.
14. I saw that the gables to the flank elevations were only clearly visible from within the appeal site. Views from within the Woodland Gardens, given the topography and the maturity and style of planting, were limited. The gables were either seen in isolation with the remainder of St Vincent's FC or against the backdrop of the flat-roofed development to the east.
15. The overall height of the single-storey elements, even with the approximately 0.7 metre increase, is shown to be lower than the two-storey element, with the roof height across the whole of St Vincent's FC retaining variation. I note that a variation in ridge height was acknowledged by the Council as being acceptable in the original application.
16. Moreover, the angle of the roof slope to the single-storey element appeared similar to that of the hipped roof on the two-storey element of St Vincent's FC. The presence of a gable, in this instance, did not appear at odds with its surroundings and nor would the increase of ridgeline add significant bulk to detract from its low-key appearance.
17. With regard to the rooflights, proposed plans show that there would be a reduction in their overall number from 24 currently visible to 21, with the reduction occurring on the western roof slope. Rooflights to the west are visible from within St Vincent's FC and from longer-range views on St Vincent's Lane. However, given the topography and landscaping in the immediate context, together with the orientation of the roof, its stepped design and the relatively flush fixings of the rooflights, they would not appear excessive and nor clutter up the roof space.

18. The public footway, which runs adjacent to the eastern boundary of the site, is demarcated by a predominantly tall timber fence. Views of the appeal site from this public footway are minimal and are mostly obscured further east by the mature landscaping, which has a predominantly vertical emphasis.
19. The rooflights to the eastern roof slope were, however, visible at selected points within the Woodland Gardens. Views from here, as noted above, are limited. Whilst the roof lights are visible, the stepped nature of the single-storey roof, together with the relatively flush fixings of the rooflights, ensured they did not appear excessive or result in excessive clutter to the roof slope.
20. Given my findings above, I do not agree that the alterations to the roof or insertion of rooflights as shown on plan 1636.04.01 Rev B would be as harmful to the character and appearance of the area as the Council contends; rather, they would have a neutral effect on the MHCA.
21. In conclusion, I find that varying the condition would not have a harmful effect on the character and appearance of the host property and would preserve and enhance the character and appearance of the MHCA. Therefore, there would be no conflict with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. There would also be no conflict with Policies D3 and HC1 of the London Plan (2021) and Policies CDH01 and CDH08 of the BLP, which, when read together, seek to ensure high-quality design and development, which preserves or enhances the character and appearance of Conservation Areas in Barnet. The scheme also respects the National Planning Policy Framework, insofar as it relates to achieving well-designed places and conserving and enhancing Conservation Areas.

Other Matters

22. The Council have drawn my attention to the Inspector's comments on previous schemes² with regard to character. Whilst I concur that the site has a different character to the surrounding urban development, from observations, the approved change of use has taken place. Given that St Vincent's FC is physically separated from the open countryside through its strong fence line, I do not agree that it retains an impression of being in the countryside. Rather, in my mind, it has a semi-rural character which provides a transition to the open countryside beyond.
23. The Council have also drawn my attention to the previously refused application Ref 15/06627/FUL at the appeal site. I note from the extract that this application proposed a second storey over part of the same section of the building. Whilst I acknowledge this proposal would increase the overall ridge and eave height by approximately 0.7 metres, I have nothing to demonstrate that the increase is similar to the appeal before me. Furthermore, despite the height increase and rooflights, this section of the building would retain a distinct single-storey appearance, with its eaves set beneath the two-storey section and would therefore retain its low-key appearance. This case is therefore not considered comparable.

Conditions

24. The Planning Practice Guidance explains that decision notices should, for the grant of planning permission under s73, restate the conditions imposed on earlier permissions that continue to have effect. The Council has helpfully provided a list of

² APP/N5090/A/13/2194380 and APP/N5090/W/15/3014894.

suggested conditions that it considers are still relevant. In some instances, I have made minor changes to wording and, in light of the number of discharged conditions, I have restricted the list to those suggested by the Council. In doing so, I am satisfied that the interests of the parties would not be prejudiced.

25. In the interests of certainty, I have attached a condition listing the revised plans. The Council's suggested time condition to remove three existing rooflights is necessary and reasonable.
26. It is necessary to reimpose conditions relating to materials, levels, refuse, permitted development restrictions, cycle storage, subdivision of amenity land, lighting, biodiversity, hard and soft landscaping, boundary treatments, parking and electric vehicle charging to ensure these are carried out as per previously approved details. As remedial works are required within the appeal site, I have also reimposed a condition relating to tree protection to safeguard existing trees.
27. As the development has commenced, I have deleted the following conditions as suggested by the Council: 5 relating to demolition and construction method statement, 9 relating to washing of construction vehicles, 11 relating to water consumption, 12 relating to carbon reduction, 16 relating to wildlife protection measures during construction, 18 relating to construction hours and 21 relating to building regulations.

Conclusion

28. For the reasons given above, I conclude that the appeal should succeed. I will grant a new planning permission, substituting the disputed condition and restating those undisputed conditions that are still subsisting and capable of taking effect.

L Clark

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Elevations, 1636.04.01 B
Permitted v Proposed East and West Elevations Overlay
Permitted v Proposed North and South Elevations Overlay
Planning Statement Location Plan
- 2) Within four months of the date of this decision, photographic evidence shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate that three rooflights have been removed from the western roof slope.
- 3) Details approved under planning ref: 17/4788/CON pertaining to condition 3 (external materials) shall be implemented in accordance with the details as approved under and retained as such thereafter.

- 4) Details approved under planning ref: 17/4788/CON pertaining to condition 4 (levels) shall be implemented in accordance with the details as approved under and retained as such thereafter.
- 5) Details approved under planning ref: 17/4788/CON pertaining to condition 6 (refuse) shall be implemented in accordance with the details as approved under and retained as such thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order shall be undertaken.
- 7) Details approved under planning ref: 17/4788/CON pertaining to condition 8 (cycle storage) shall be implemented in accordance with the details as approved under and retained as such thereafter.
- 8) Details approved under planning ref: 18/0470/CON pertaining to condition 10 (subdivision of amenity land) shall be implemented in accordance with the details as approved under and retained as such thereafter.
- 9) Details approved under planning ref: 18/0470/CON pertaining to condition 13 (lighting) shall be implemented in accordance with the details as approved under and retained as such thereafter.
- 10) Details approved under planning ref: 17/4788/CON pertaining to condition 14 (biodiversity scheme) shall be implemented in accordance with the details as approved under and retained as such thereafter.
- 11) Details approved under planning ref: 18/0470/CON pertaining to condition 15 (hard and soft landscaping) shall be implemented in accordance with the details as approved under and retained as such thereafter.
- 12) Details approved under planning ref: 17/4788/CON pertaining to condition 17 (boundary treatments) shall be implemented in accordance with the details as approved under and retained as such thereafter.
- 13) Parking spaces shall be provided in accordance with details indicated on plan 1635.03.04 Rev h. Thereafter, those spaces shall be retained for the parking and turning of vehicles only.
- 14) Details approved under planning ref: 17/4788/CON pertaining to condition 22 (electric vehicle charging) shall be implemented in accordance with the details as approved under and retained as such thereafter.

*** END OF SCHEDULE ***