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## Appeal Decision

Site visit made on 10 June 2025

by **P Burley BA(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22<sup>nd</sup> July 2025

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**Appeal Ref: APP/N5090/W/25/3359778**

**Norfolk Court, 31-32 Manor Road, London EN5 2LA**

- 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 Florin Gafencu against the decision of the Council of the London Borough of Barnet.
  - The application Ref is 24/3882/FUL.
  - The development proposed is described as: 'Alterations to approved application, 24/1748/FUL – To provide a roof top extension to create 1No Additional flat. 24/1748/FUL.'
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Whilst the appellant has described the proposal as 'Alterations to approved application, 24/1748/FUL – To provide a roof top extension to create 1No Additional flat. 24/1748/FUL.', the Council has described it as 'Third floor side extension and addition of new fourth floor level above with internal reconfiguration to create 4no. additional flats. Associated addition of 5no. parking spaces'.
3. In this decision I will describe building heights with reference to the number of storeys. As such I will refer to the 'new fourth floor level' in the appeal scheme as the proposed fifth storey.
4. This appeal must be determined having regard to the current adopted development plan. On 4 March 2025 the Council adopted a new local plan: the Barnet Local Plan 2021-2036 (LP). This replaced Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012) and Barnet's Local Plan (Development Management Policies) Development Plan Document September 2012. Before determining this appeal I sought the views of the main parties in respect of this change in circumstances.

### Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

6. The appeal site is a part-3, part-4 storey purpose-built block of residential flats on the western side of Manor Road.

7. Manor Road slopes downwards from north to south such that the roof of the 3-storey block of flats to the immediate north is at approximately the same elevation as the existing fourth floor of the appeal site. To the south of the appeal site is a 2-storey block of flats with a pitched roof, the first floor of which is at a similar level to the ground floor of the appeal site.
8. The principal difference between the appeal application and the previously-approved scheme (24/1748/FUL – which was for an extension to the third floor of the appeal site to create 3 additional flats and 4 parking spaces) is the addition of a fifth storey comprising 1 residential unit. The appellant has stated that this would be barely visible from street level and has provided two drawings to illustrate how much of the additional floor would be seen from the eastern footway of Manor Road directly opposite the appeal site.
9. The appellant has said that the height difference between the proposal and the surrounding properties appears marginal due to the change in levels. It has also noted that Norfolk Court is set back from the road and suggested that Sunbury Court is a comparable development.
10. On my site visit I observed the appeal site and its context, including the other developments noted by the appellant, from a variety of locations along Manor Road. There were no other five-storey developments in the vicinity of the appeal site and I did not consider Sunbury Court to be comparable with Norfolk Court because of differences in its siting, design and massing.
11. I also considered how the appeal scheme would be seen from points further from the appeal site than those illustrated by the appellant. I observed the contribution that the appeal site makes to the street scene and its relationship with neighbouring buildings. I noted how the appeal site is perceived in the context of the level change when travelling along Manor Road and the prominence of the appeal site against the skyline when viewed from the south.
12. It is that prominence which makes the site particularly sensitive to the additional development that is proposed in this appeal. A fifth storey would add to the height, bulk and scale of the host building such that it would be overly-dominant in the street scene and thus fail to respond sensitively to the existing context.
13. The increase in the overall height of the host building would also result in a less harmonious visual relationship between the appeal site and the two-storey building to its immediate south and would represent a noticeable contrast with the gently-stepped rooflines along much of Manor Road to the south of the appeal site.
14. Therefore, I find that the appeal scheme conflicts with LP Policy CDH01 which amongst other things says that development proposals should respond sensitively to the building form, scale, massing, roof form and height of the existing context.
15. I also find that the appeal scheme conflicts with Policy D3 of the London Plan 2021 which seeks to optimise site capacity through a design-led approach by taking account of matters such as scale and proportions.

### **Other Matters and Planning Balance**

16. The development would be acceptable in a number of respects such as space standards, access, as well as parking, cycle and refuse storage provision. However, these matters are neutral in the overall consideration of this appeal.

17. Whilst a third party has objected to the appeal scheme on the basis of there being insufficient potential for journeys using sustainable travel, I consider that there is a reasonable choice of public transport services within walking distance of the site.
18. I also note the appellant's willingness to accept a condition to secure a green roof and photovoltaic cells which I consider to be a minor benefit.
19. The appellant has stated that the appeal scheme complies with LP Policy HOU03 which says that the Council will optimise the potential for housing delivery, and with Policy H2 of the London Plan 2021 which supports the development of housing on small sites.
20. It also considers that the proposal aligns with the wider objectives of the National Planning Policy Framework, such as making efficient use of land to meet the identified need for different types of housing.
21. Whilst the delivery of new housing is a matter to which I give significant weight, this is tempered by the appeal scheme proposing 1 additional dwelling when compared with the previously-approved scheme.
22. Overall, I consider that this benefit does not outweigh the harm that the appeal scheme would cause to the character and appearance of the area and therefore conflicts with the development plan when taken as a whole.

### **Conclusion**

23. For the reasons given above the appeal should be dismissed.

*P Burley*

INSPECTOR