
Appeal Decision

Site visit made on 20 May 2025

by **H Senior BA (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th July 2025

Appeal Ref: APP/N5090/W/24/3355223

2 Churchfield Avenue, North Finchley, Barnet, London N12 0NT

- 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 Hussein Hassani against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/1194/FUL.
 - The development proposed is described as “refurbishment of Existing Garages with Extension and Two Storey Basement Storage as Existing Class for 2B Churchfield Avenue, North Finchley.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development from the application form is used in the banner heading above. However, the Council, in the decision notice amended the description of development to read “demolition of 4no. garages and erection of single storey building plus 1no storey basement level for storage use.” It also added “Garages rear of” to the address. I consider these amendments more accurately describe the proposal. I have determined the appeal on this basis.
3. During the application process the Council requested amended plans to reduce the basement from two storey (with four layers) to one storey (with two layers). The appellant has requested that both designs are considered as part of the appeal. However, the procedural guide for planning appeals advises it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage. I have therefore determined the appeal on the basis of the amended plans.
4. The Council adopted a new Local Plan on 4 March 2025 and has confirmed that the policies from Barnet’s Local Plan Core Strategy (2012) and Barnet’s Development Management Policies Development Plan Document (2012) (DMDPD) referred to in the Decision Notice have been superseded by policies from the Barnet Local Plan 2021-2036 (2025) (BLP).
5. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. Policies referred to in the reason for refusal, relating to the planning application subject to this appeal from the Barnet Local Plan 2012, are no longer relevant. Parties were provided with the opportunity to comment on the new policies in the context of this planning appeal and I have taken their comments into account.

6. The decision notice also referred to Policy DM14 of the DMDPD. The Council acknowledged that this was in error and should be deleted. I have determined the appeal on this basis. In addition, the Council has referred to Policies GSS01 and CDH04 of the BLP. However, these policies relate to delivering sustainable growth and tall buildings respectively so are not determinative for this appeal.

Main Issues

7. The main issues are:
- the effect of the proposal on the living conditions of neighbouring occupiers with regard to noise and disturbance,
 - the effect of the proposal on the character and appearance of the area, and
 - the impact of the proposal on the significance of North Finchley Christ Church a Grade II listed building including through development in its setting.

Reasons

Living Conditions of Neighbouring Occupiers

8. The appeal site is located to the rear of the dwellings on Churchfield Avenue and is accessed via a shared driveway to the side of No 2. It lies within a predominantly residential area and North Finchley Christ Church lies to the rear. It is in use as a storage area for motorcycles and other vehicles.
9. The proposal would replace the two existing double garages with a single brick storage building with a green roof system and would incorporate a basement level, accessed via a scissor lift and staircase.
10. Whilst the building and storage area are intended for the appellant's extensive motorcycle collection, due to the scale of the proposal, and the number of vehicles it could accommodate, when compared to the current use, there are likely to be more comings and goings to the property than would be expected from one in domestic use particularly. In addition, its use on evenings and at weekends would increase potential noise and disturbance at a time of day when residents could legitimately expect less noise from premises close to their properties.
11. There is no mechanism before me to control the use of the building. In addition, were the appeal to be allowed the permission would be permanent and run with the land. Whilst the appellant has indicated he would seek to ensure that any use would limit disturbance to the nearby occupiers, I cannot be certain that the building would be used in that way in the future.
12. Although I accept that the scissor lift would be internal, there is insufficient substantive evidence before me to ensure that there would not be unacceptable noise and disturbance for the occupiers of the nearby dwellings. The appellant has suggested that the submission of a full noise impact assessment could be agreed by planning condition but, to my mind, the issue goes to the heart of whether the proposal would harm the living conditions of neighbouring occupiers. It would therefore not be appropriate to address matters in this way that go to the principle of whether or not the proposal would be acceptable.
13. The proposal would harm the living conditions of neighbouring occupiers with regard to noise and disturbance. It would conflict with Policy CDH01 of the BLP which seeks to ensure that development mitigates adverse noise impacts on the surrounding environment.

Character and Appearance

14. I accept that the replacement of the existing garages would not harm the appearance of the area, the materials would be appropriate and the proposal would improve the security of the building. There would be a small increase in visual prominence of the proposal due to the increased height and massing. However, due to the scale of the proposal the use of the building would harm the character of the area through an increase in use over and above that expected in a residential area.
15. Whilst I have found that the proposal would not harm the appearance of the area it would harm its character. It would therefore conflict with Policy CDH01 and of the BLP which seeks to ensure that development provides a good standard of amenity.

Setting of a Listed Building

16. To the rear of the site is North Finchley Christ Church. The church is a grade II Listed Building and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this building.
17. Its significance derives in part from its Gothic style and construction in stages over several years. The appeal site contributes to its setting as it lies close to the boundary to the car park and is visible from it.
18. The increase in height of the proposal over and above the current garages, would be visible from the car park of the church and would harm the visual setting and thus the significance of the listed building. The construction of the basement would be adjacent to the boundary with the church car park. The technical evidence in the Revised Basement Impact Assessment, submitted as part of the appeal, indicates that although there are no buildings within the zone of influence of the construction of the basement, it does fall within the church car park. The Council consider that there is insufficient information regarding the potential impacts of the development on the structural integrity of the listed building. With this in mind, I cannot be certain that the proposal would not harm the significance of North Finchley Christ Church.
19. The harm arising from the proposal, in terms of the approach in the Framework, would be at the lower end of less than substantial. In these circumstances the Framework advises at paragraph 215 that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. The proposal would improve the site functionality, architecturally enhance the area including through the use of ecofriendly materials and would not be used for commercial use. These benefits would attract moderate weight in favour of the proposal. I am however unconvinced that these equate to public benefit, sufficient to outweigh the harm that I have identified, given that this harm carries great weight. Accordingly, the proposal conflicts with the aims of the Framework in terms of conserving and enhancing the historic environment.
21. I conclude that the proposal would harm the significance of North Finchley Christ Church a Grade II listed building including through development in its setting. It would conflict with Policy CDH08 of the BLP which amongst other matters, seeks to

ensure that designated heritage assets are conserved and enhanced in a manner appropriate to their significance.

Planning Balance and Conclusion

22. The appeal scheme would conflict with the development plan in relation to living conditions of neighbouring occupiers, the character of the area and on the significance of North Finchley Christ Church a Grade II listed building including through development in its setting. These are all harms to which I attribute significant weight. I have considered the benefits of the scheme in the setting of a listed building main issue. However, it is clear that there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

H Senior

INSPECTOR