



Appeal Decision

Site visit made on 21 May 2025

by **G Rollings BA(Hons) MAUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/N5090/W/25/3358762

2 Lyonsdown Road, New Barnet, BARNET, EN5 1JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Adam Green against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/3367/OUT.
 - The development proposed is an outline application for the erection of a 4-storey building comprising 9no. flats following the demolition of existing 5 bedroom detached house. Basement car parking/cycle parking/ storage with associated access steps, landscaping/refuse/recycling. Landscaping a reserved matter.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application that is the subject of this appeal was submitted in outline format, with matters of access, appearance, layout and scale to be considered in detail at this stage. Landscaping is a reserved matter, for detailed consideration at a later stage. Where the appeal plans reference the reserved matter, I have considered the relevant details to only be illustrative.
3. The Council's decision notice included a reason for refusal referring to one of the proposed flats having an inadequate internal floor area, and that as a result this would be detrimental to the amenity of future occupiers. The appellant submitted an alternative plan as an appeal document that proposes a reduction in the size of the affected flat, reclassifying it from a three-bedroom, five-person flat to a three-bedroom, four-person flat.
4. These changes are a minor alteration, and interested parties together with the Council have had the opportunity to comment on this proposal as part of the appeal consultation process. The Council has advised that the reclassification would result in the flat achieving a satisfactory internal floor area for the revised number of intended occupiers.
5. In addition, the Council also considered there to be insufficient information for it to be able to determine whether the proposal would cause harm to protected species and biodiversity, including bats, and included a reason for refusal on this issue. New information has been submitted by the appellant and the Council considers this sufficient to allay its concerns regarding bats, but not the remaining biodiversity matters. Bearing in mind my statutory duties with regard to protected

species, I agree with the Council that the proposal would not harm bats or their habitat.

6. I have considered whether my acceptance of the amended plan and documents would prejudice the interests of any party, and having taken into account all responses made as part of the application and appeal processes, consider that it would not. I have therefore accepted the documents and amended appeal plan and agree with the Council that the reason for refusal pertaining to internal space provision, and matter pertaining to bats, are no longer matters forming part of this appeal.
7. The Council adopted a new Local Plan after the appeal was lodged. The *Barnet Local Plan 2021-2036* (adopted in March 2025 and hereafter referred to as the 'Local Plan') supersedes *Barnet's Local Plan (Core Strategy) Development Plan Document* (September 2012) and *Barnet's Local Plan (Development Management Policies) Development Plan Document* (September 2012). The policies of these documents cited in the Council's reasons for refusal therefore no longer form part of my decision. The policies of the *London Plan* (2021) continue to apply as part of the borough's overall development plan. A list of corresponding Policies within the new Local Plan has been provided by the Council, and the appellant has commented on the new policies' effects on the appeal scheme. These submissions form part of my consideration of the relevant main issues.

Main Issues

8. The main issue in this appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on highway safety, with particular reference to parking;
 - The effect of the proposed development on local biodiversity, including protected species; and
 - Whether the proposed development would sufficiently preserve protected trees, with reference to their future health and vitality.

Reasons

Character and appearance

9. The scheme proposes the demolition of the existing two-storey detached house on the appeal property, and replacement with the building described above, on a plot on the western side of Lyonsdown Road. The site's existing front garden is heavily vegetated, substantially restricting views of the existing building from the street. The Council notes that the appeal site is within the New Barnet town centre. Immediately to the north of the site, also within the town centre, is Kingmaker House, a flatted building of up to nine storeys, although its height reduces in stages towards the appeal site. This part of the road leading north has the character of a busy town centre, reflective of its range of uses and activities. To the south, the road ascends a hill, flanked on its western side by domestically scaled residential buildings predominantly comprising detached and semi-

detached dwellings of two storeys; some of these incorporating undercroft garages.

10. The latter characterisation is reflective of the current use and appearance of the site, although the transition with the former is jarring. Development on the opposite side of the street accommodates a less precipitous transition, with the buildings increasing in height to the north and becoming more domestic in scale to the south. Both areas have a mix of building types. The Council considers the southern parts of Lyonsdown Road to be characterised by single family houses, but I observed that while larger houses are a common typology, these are interspersed with smaller flatted developments of varying height and appearance, as well as disparate non-residential uses and buildings. Although larger family homes are indeed numerous, I do not consider this typology to be the overriding defining feature of this area's character.
11. The proposed development would have a modern appearance, and although there would be an additional storey of accommodation compared with the current building on the appeal site, the building's overall height would be lower than the closest part of Kingmaker House. It would appear as a step in height linking the lower-scaled buildings to the south, to the town centre-scaled buildings to the north. To my mind, this is a logical design response that reflects the transitional nature of the site, falling between two areas of different built form characteristics, as opposed to the hard transition existing at present. Likewise, although the proposed building would have a reduced setback to the street when compared with the existing house, the revised setback provides an appropriate transition between the deep front gardens of the houses to the south, and the limited setback of Kingmaker House to Lyonsdown Road
12. The majority of the building's facades would be stock brick, with the uppermost storey slightly recessed and finished in aluminium. These materials are similar to those on the adjacent part of Kingmaker House, although the appeal building would have a lesser amount of façade detailing. As such, the proposed development would have a blander, more solid appearance than its modern neighbour, despite its significantly smaller scale. I acknowledge the Council's concerns that the top storey would not appear subordinate to the main dwelling, but as an additional storey. However, I consider that the differentiation in materials between storeys, together with the setbacks and parapet wall of above the first storey would avoid any significant harm in this respect.
13. The presence of several mature trees contributes to the heavily vegetated appearance of the front garden of the appeal site. These are mostly oak and yew with some hawthorn and other species, the majority of which are protected by a tree preservation order (TPO). The appellant's arboricultural assessment records the varying conditions of these trees, and the removal of several unprotected trees is proposed. These hazel, holly, bay and hawthorn trees have been assessed by the appellant as being of generally low quality. I see no reason to disagree with the findings of the assessment but note that the trees' removal would thin the existing canopy, which would allow for clearer views than at present between the street and the site buildings. Nonetheless, significant screening would be retained. Accordingly, although the building would have a solid appearance, when viewed in its context alongside the similarly modern form and appearance of Kingmaker House and the verdant setting of the front garden, there would be no significant harm to the street scene. The overall sylvan appearance

of the site would remain and there would be no significant harm to the character and appearance of the site or area resulting from the loss of unprotected trees.

14. Local Plan Policy HOU3 provides criteria for the redevelopment of larger homes, including schemes proposing demolition and replacement of such. The Council considers that the development would have an unacceptable impact on the surrounding character of the area. Given that I have found that the proposal would provide a suitable response to both the domestic and town centre character areas, I consider that there would not be a harmful impact to the wider character of Lyonsdown Road. Due to the development's proximity to the high-density residential uses and town centre activity, there would be no harm arising from the intensification of built form on the appeal site. To the south, the quieter character of Lyonsdown Road, of which single family houses are a feature, would prevail. I therefore consider that the proposal does not conflict with the aforementioned Policy HOU3 criteria.
15. On this main issue I conclude that the proposed development would not have a harmful effect on the character and appearance of the area. It would not conflict with Policy HOU3 of the Local Plan, nor with Policies GSS01 or CDH01, or London Plan Policy D3. Together, these require development to make the best use of land by following a design-led approach, and to enhance local character and distinctiveness, amongst other considerations.

Highway safety

16. Local Plan Policy TRC03 and London Plan Policy T6.1 set maximum levels of car parking to be provided for residential development, with the Local Plan setting out a maximum of 0.75 bays for one- and two-bedroom units, and 1 for units of three or more bedrooms. These levels apply in areas with a public transport accessibility level (PTAL) of 3, which applies to the appeal site.
17. Five car parking spaces would be provided within the undercroft level of the proposed development, to serve the nine proposed dwellings. Based on the policies set out above, the Council considers that 11 spaces would be acceptable, resulting in a shortfall of six spaces to be provided. Whilst I acknowledge the appellant's argument that the site's proximity to the town centre and various transport connections could result in a low demand for on-site spaces, the PTAL takes account of such factors.
18. There are some parking restrictions on Lyonsdown Road and although one side of the road directly outside the appeal site allows for unrestricted on-street parking, this only applies for a short distance. During my late-afternoon weekday visit to the site, I observed that this was fully occupied. Much of Lyonsdown Road to the south of the appeal site, and streets in the town centre, prohibit on-street parking at all times. Although the Council requested the provision of a parking survey from the appellant, this was not provided. Notwithstanding my own observations that represent only a snapshot of current conditions, the lack of on-street parking availability and the shortfall of spaces between the Council's expectations and the scheme provisions lead me to expect that the development would lead to additional demand for on-street parking spaces.
19. The *National Planning Policy Framework* (2024) (NPPF) provides guidance on town-centre parking provision (paragraph 113) and prioritisation of sustainable transport modes (paragraphs 115 and 117), which is consistent with the

development plan. The development would provide a good number of cycle spaces, but given the matters that I have set out above, I cannot be certain that this alone would be sufficient to mitigate additional demand for on-street parking space. As well as the limited on-street provision, carriageway space on Lyonsdown Road is restricted to a single lane by parked vehicles, and during my visit I observed that cars were parked in the unrestricted areas, and also in restricted areas and over kerbs encroaching on pedestrian pavements. There were instances of congestion resulting in cars waiting to pass due to the road's limited traversable width. Such conditions can have a harmful impact on highway safety.

20. Paragraph 116 of the states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. No mitigation is proposed and given my concerns as set out above, I consider that the potential harm that I have identified is unacceptable.
21. I therefore conclude that the proposed development would have a potentially harmful effect on highway safety, with particular reference to parking, and would conflict with Local Plan Policies TRC01 and TRC03, and London Plan Policy T6.1. Together, these policies seek sustainable transport provision and set parking standards, and other considerations.

Biodiversity

22. The appellant has submitted studies of the site of various ecology-related matters, including a preliminary bat roost assessment, and biodiversity net gain. The Council notes that the Greenspace Information for Greater London record for the environs includes the presence of protected species. Given this, and the grassed and wooded nature of the site, which is noted in the appellant's *Biodiversity Net Gain Report*,¹ there is a likelihood of protected species being present on the site.
23. Local Plan Policy ECC07 requires development to protect priority species and make the fullest contributions to enhancing biodiversity and enhance site ecology, amongst other considerations. Neither the appellant's Biodiversity Metric nor Ecological Statement provide sufficient information for allow detailed consideration of the likely presence or absence of protected species on the site. Moreover, a Preliminary Ecological Appraisal, which could provide such information, was not submitted to the Council and does not form part of the appeal evidence. Were I to allow any site works without being satisfied that such species or their habitats would not be harmed, I would not be upholding my duty to have particular regard to the purpose of conserving biodiversity as set out in the Natural Environment and Rural Communities Act 2006 (as amended).
24. Although some biodiversity improvements are proposed in connection with biodiversity net gain, this would not mitigate my concerns as set out above. Taking a precautionary approach, I therefore conclude that the proposal would have a potentially harmful impact on local biodiversity, including protected species, and would conflict with Local Plan Policy ECC07.

¹ Turley Environmental, 024

Protected trees

25. As set out above, protected trees are located in the area between the existing house and street, and would be retained, with some unprotected specimens being removed. The Council's reason for refusal on this issue refers to site works that could have the potential to sever the roots of unprotected trees, and its committee report refers also to the effect on the character and appearance of the site resulting from the removal of unprotected trees, which I have addressed above, and post-development pressure for further works to protected trees.
26. Trial pits dug and reported by the appellant before and after the Council's decision indicate that the proposed works would not harm the roots of protected trees. The Council has continued to raise concerns regarding a 56-millimetre diameter tree root from tree T3, although the appellant's additional evidence suggests that only ground-level works would be carried out in this area. As such, I do not consider that there would be risk to tree T3 from future works. Additionally, the evidence suggests that the proposed works would ensure that other protected trees would not be harmed during the construction phase.
27. The appellant has expressed doubt on the Council's definition of its concerns around post-development pressure for potential works to the protected trees. The Council has not provided additional information to support this matter and in the absence of evidence describing the scope of post-development pressure and its potential effects there is insufficient detail for me to assess this matter.
28. On this basis I therefore conclude that the proposed development would sufficiently preserve the protected trees, and would not have a harmful effect on their future health and vitality. There would be no conflict with Local Plan Policies HOU03 or CDH01 or London Plan Policy G7, which together require development to appropriately respond to local character and protect existing trees of value, amongst other considerations.

Other Matters

29. There are several matters weighing in favour of the proposal. As well as the biodiversity measures set out above, I have taken into account the appellant's submissions that the proposal would provide a mix of dwellings incorporating types for which the Council has the highest need, and that the new homes to be provided would contribute to the Council's annual target of 434 homes being built on small sites across the borough. The scheme's net provision of eight new dwellings would be a modest contribution to the target and I have attributed moderate weight this consideration, as well as the development's role in addressing local housing needs. However, these benefits would be outweighed by the significant harm that I have identified above. That the proposal would not affect the living conditions of surrounding occupiers is a matter in which there is an absence of harm, and as such I have not attributed weight to this consideration.

Conclusion

30. The harm from the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal, such that the proposal does not represent sustainable development. As well as the policy conflicts that I have identified, the proposal does not comply with the development plan as a whole,

and there are no material considerations to indicate that I should determine the appeal otherwise than in accordance with the plan.

31. For these reasons, the appeal is dismissed.

G Rollings

INSPECTOR