



Appeal Decision

Site visit made on 06 August 2025

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22ND August 2025

Appeal Ref: APP/N5090/W/25/3360737

Land adjacent to Hendon Hall Court, Parson Street, Barnet NW4 1QY

- 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 Phillip David Taylor of Egon Environmental against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/2738/FUL.
 - The development proposed was originally described as: three x four bedroom detached new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the application form is Hendon Hall Court. However, the appeal form states the address as land adjacent to that property. I consider this to be a more precise address for the proposal, and I have therefore used the address as stated on the appeal form in my banner heading above.
3. The appellant submitted a street scene drawing and a Flood Risk Assessment (FRA) with the appeal. The Council's statement of case indicates these documents had not been received. In the interests of fairness, I offered the Council an opportunity to consider these documents, but no further comments were received. Having regard to relevant case law¹, the street scene drawing and FRA would not result in a substantial or fundamental change to result in a different application. As the Council and any interested parties have had an opportunity to comment on these documents, I consider that no party would be unfairly prejudiced if I were to take them into account.
4. There was some confusion regarding the status of some plans, drawings and documents submitted to the appeal by the appellant. In the absence of a response to my request for clarification, I have relied upon the list of plans, drawings and documents as specified in the Council's decision notice and officer report (OR) which considered the application.
5. In March 2025, after the application was determined, the Council adopted the Barnet Local Plan 2025 (BLP). The BLP has replaced the Barnet Local Plan Core Strategy (2012) and Development Management Policies (2012). The Council's statement of case provided a list of relevant policies of the BLP, and copies of these policies were requested and received. The appellant has had an opportunity

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]; Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin).

to consider this matter within the appeal timetable. I have considered the appeal in light of the BLP policies provided.

6. The application was refused in January 2025, after the National Planning Policy Framework (the Framework) was revised in December 2024. The further amendments made to the Framework in February 2025 do not constitute a change in policy. Therefore, I have not sought comments on the amendments. In any event, the main parties have had an opportunity to address this matter within the appeal timetable. I am therefore satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

7. The main issues are:

- the effect of the proposal upon the character and appearance of the area; and
- whether the proposal would be suitably located in relation to flood risk, with particular regard to national and local planning policy.

Reasons

Character and appearance

8. The appeal site is a plot of land to the north-east of Hendon Hall Court. The site is largely bounded by fencing towards Hendon Hall Court and a boundary wall alongside the A1 Great North Way. I was not able to see the full extent of the site at my visit, as it was largely screened by trees and other vegetation along the public highway. It is given to include a vacant single storey building near the boundary towards Garrick Drive with partial remnants of a swimming pool on site, with the remaining land otherwise undeveloped. The surrounding area is predominantly residential to include flatted developments of three to five storey height and two storey dwellings, including detached and semi-detached forms.
9. Hendon Hall Court is a five-storey flatted development of over 50 units within an imposing and architecturally pleasing white rendered building, set in extensive grounds, and well set back from the Great North Way. The Council accepts that the appeal site does not form part of any amenity space serving Hendon Hall Court, and in the absence of any substantive evidence to the contrary, I find no reason to consider otherwise. Nevertheless, the absence of built form within its grounds results in an open character along the A1 and at the junction with Parson Street. The appeal site, with its limited amount of built form towards Garrick Drive makes a positive contribution to this open character, as it is largely devoid of built form. Therefore, the siting of built form within the appeal site has the potential to undermine this open character.
10. The principal elevations of the proposed dwellings would be sited with a shared building line facing the A1, with an intervening access way. However, this siting would be well forward of the building line at Nos 1-2 Garrick Court and the building line of other detached forms along Garrick Drive, where the access road is set back from the A1 with an intervening grass verge. The proposed dwellings would therefore appear more forward in the street scene along the A1.
11. Due to its siting, the dwelling at plot 1 would be set away from plot 1 and 2, with intervening driveway spaces. The dwelling at plot 1 would therefore appear within

view from the A1 towards Hendon Hall Court. This would detract from the open setting of Hendon Hall Court and undermining the positive contribution it makes to the open character in the street scene. The street scene drawing submitted to the appeal does not assist in this regard, as it fails to show the relationship with Hendon Hall Court.

12. Drawing all the above together, the proposal would fail to respect the character and appearance of the area. In reaching this view, I accept that the scale, height, width and depth of the proposed dwellings would be in keeping with other surrounding residential forms, and policy requirements for matters such as separation distances and private amenity space would be met. While BLP Policy CDH01 and Policy D3 of the London Plan 2021 (LP) seek to use land efficiently and optimise site capacity, the design led approach must take account of the local context and deliver the most appropriate form for the site.
13. I therefore conclude that the proposal would harm the character and appearance of the area, in conflict with BLP Policy CDH01 and LP Policy D3, whose objectives I have set out above.

Flood risk

14. Among other things, BLP Policy ECC03 seeks to ensure that development proposals are located in areas at lowest risk of flooding from any source; and sets out that this will be assessed at planning application stage through the application of the sequential test.
15. Paragraph 170 of the Framework sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 173 makes clear that a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding, by following certain steps. Paragraph 174 sets out that within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.
16. Paragraph 175 sets out that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
17. The site-specific FRA indicates that the site is within Flood Zone 1, meaning that it is land with a low probability of river or sea flooding; that the area within the vicinity of the appeal site is at low risk of surface water flooding; and that there is an area of high risk of surface water flooding '*on and just off the highway to the north of the development*'. Due to the land being higher than the road, the FRA contends that surface water risk would be contained on the road. This road appears to be the A1 (The Great North Way), which is part of the strategic highway network.

18. The FRA finds that further analysis with an allowance for climate change *'continues to show the site being at very low surface water flood risk, with the extent of high risk just off the highway encroaching slightly further into the development site.'* The proposed development would therefore be in an area subject to future high risk surface water flooding, and a sequential test is therefore required.
19. The FRA includes flood mapping, but the resolution is not sufficiently clear to what extent and how the area of high-risk surface water flooding would encroach into the development site. Among other things the FRA recommends permeable paving on the proposed access serving the development which is located towards the A1 and attenuation storage of 9m³ is shown within the FRA as being within the rear garden space of Plot No 1 of the proposed development. The FRA assumes there would be a public sewer connection along the A1 and I note that the submitted plans appear to demonstrate changes in land levels. Paragraph 175 of the Framework states that a sequential test should be undertaken if access and escape routes are at risk of flooding from any source, or there is land raising.
20. Planning Practice Guidance (PPG)² states that avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Further, that even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.
21. There is no Strategic Flood Risk Assessment before me; nor is there any evidence to suggest that the site is allocated in any development plan. The FRA submitted to the appeal does not include a sequential test, and there is no substantive evidence before me to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
22. For the above reasons, I conclude that the proposal fails to demonstrate that it would be suitably located in relation to flood risk, with particular regard to national and local planning policy. The proposal conflicts with BLP Policy ECC03, and the objectives of the Framework.

Other Matters

23. The proposal would contribute to the supply of housing and meet wider housing needs, and it would support the Government's objectives to significantly boost the supply of new homes and use land efficiently, although three units would be a small contribution. Temporary economic benefits would arise during the construction phase with permanent benefits thereafter arising from additional household expenditure. These benefits would not overcome the harms that I have found.
24. The appellant suggests that the Council cannot demonstrate a five-year supply of deliverable housing sites (given to be 4.2 years), such that the site would assist in meeting the Council's housing targets. However, the Council's evidence indicates that this is no longer the case, with a supply of 5.09 years, and this position is not disputed by the appellant. In any event, PPG³ makes clear that the absence of a 5-

² Paragraph: 023 Reference ID: 7-023-20220825 - Revision date: 25 08 2022

³ Paragraph: 028 Reference ID: 7-028-20220825 - Revision date: 25 08 2022

year land supply is not a relevant consideration for the sequential test for individual applications.

25. Although no representations were made by interested parties to the appeal, I have had regard to objections received during the determination phase, expressing a wide range of concerns. However, I note that these matters were considered where relevant by the Council when it determined the planning application. Whilst I can understand such concerns, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conclusion

26. For the reasons given above, I conclude that the proposal conflicts with the development plan read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR