
Appeal Decision

Site visit made on 6 August 2025

by **J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/N5090/W/25/3367137

118a High Road, East Finchley, Barnet, London N2 9ED

- 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 Kocakerim against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 25/1546/FUL.
 - The development was originally proposed as mansard roof extension to create an additional 1x1-bed self-contained flat.
-

Decision

1. The appeal is allowed, and planning permission is granted for mansard roof extension with front, side and rear dormer windows to create a 1no. self-contained flat at 118a High Road, East Finchley, Barnet, London N2 9ED in accordance with the terms of the application, Ref 25/1546/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. My banner heading above details the description of development as originally proposed on the planning application form, but this includes words that are not acts of development. The description used on the decision notice is *'Mansard roof extension with front, side and rear dormer windows to create a 1no. self-contained flat. Associated cycle and refuse/refuse storage.'* It is clear from the plans and accompanying details that the proposal does not indicate details for cycle and refuse storage. However, the first part of that description is a more precise one than that originally proposed, and I have therefore used this part as the description of development in my formal decision above.
3. The appellant submitted an amended plans to the appeal, to indicate an altered floor to ceiling height to the proposed flat. Having regard to relevant case law¹, the amended scheme would not result in a substantial or fundamental change to result in a different application. The Council and any interested parties have had an opportunity to comment on the amended scheme. I therefore consider that no party would be unfairly prejudiced by my acceptance of the amended scheme.

Background and Main Issues

4. The appeal building is of three-storey height, to include retail/commercial use at the ground floor, with self-contained flats above. The proposal would result in

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).

an upward extension to provide a further flat. The amended appeal scheme seeks to overcome the sole reason for refusal which concerns the internal height of the proposed flat. However, the Council considers that if the amended scheme were to increase the overall height of the proposal, this would have a harmful impact on the character of the area. Therefore, having regard to all the evidence before me, the main issues are:

- whether the proposal would provide suitable living conditions for future occupiers, with particular regard to internal floor to ceiling height; and
- the effect of the proposal upon the character and appearance of the area.

Reasons

Living conditions

5. Taken together, Policy D6 of The London Plan 2021 (LP) and Policy CDH01 of the Barnet Local Plan 2025 (BLP) seek to ensure development is of a high-quality design, in accordance with defined standards. For private internal space, the minimum floor to ceiling height must be 2.5m for at least 75% of the gross internal area to achieve adequate daylight penetration, ventilation, cooling and a sense of spaciousness. As originally submitted, the proposed floor to ceiling height was indicated to be 2.4m, and thus it would fall short of the standard. The amended appeal scheme demonstrates the standard would be met.
6. There is no suggestion on the Council's part that the amended plans misrepresent the external and/or internal height of the building as existing or as proposed. It seems to me that the amended plans indicate that the overall height of the building would be the same as that originally submitted, and the required ceiling height is achieved within the envelope of the mansard roof as originally submitted. I am therefore satisfied that the proposal would meet the required standard.
7. For the reasons above, I conclude that the proposal would provide suitable living conditions for future occupiers, with particular regard to internal floor to ceiling height. The proposal accords with LP Policy D6 and BLP Policy CDH01, whose objectives I have set out above.

Character and appearance

8. The appeal building is located at a corner along High Street within East Finchley town centre. As the Council accepts, there are similar mansard roof extensions present at other corner locations within the area. I also saw a variety of roof forms in the area, some elaborately decorated to include clay gables and pediments. The proposed mansard roof, including its proposed dormer windows would not be out of keeping within this roofscape. The use of matching materials as indicated on the proposed plans, and the use of lead cladding to the proposed dormer windows would result in a harmonious appearance to its host building and within the street scene.
9. As originally submitted, the Council found that the proposed roof extension would not significantly increase the height of the building. In the previous main issue, I have found that the amended scheme would be within the envelope of that as originally proposed. On this basis, the scheme would not be any higher

than originally submitted. Even if the proposal were slightly taller (by about 0.1m), this would not be so significant that it would not dominate the street scene, nor unacceptably harm the character or appearance of the building and the surrounding area.

10. For the reasons above, I conclude that the proposal would not unacceptably harm the character and appearance of the area. It accords with LP Policies D3 and D5; and BLP Policies CDH01, CDH05 and TOW01. Taken together, these policies support development proposals for incremental intensification, including by upward extensions, and in town centres where mixed uses are supported, providing they respect local context and the character and appearance of the area.

Other Matters

11. The proposed kitchen would be above an existing bedroom. Consequently, this arrangement could result in noise and disturbance to neighbouring occupiers. However, the Council accepts that this matter can be controlled by a suitable condition, and I find no reason to consider otherwise.

Conditions

12. I have considered the conditions suggested by the Council, comments from the appellant including pre-commencement, and in light of Planning Practice Guidance (PPG). For clarity, precision and to ensure compliance with the PPG, I have undertaken some amendments, editing and rationalisation. The appellant has indicated their written agreement to the terms of those conditions requiring compliance prior to the commencement of development, as per section 100ZA of the Act.
13. I have imposed conditions to secure a time limit for commencement and to require the development to be completed in accordance with the approved plans. These conditions are necessary in the interests of clarity, precision and enforceability. A condition to control the materials for the external surfaces of the development is necessary in the interests of the character and appearance of the area.
14. A Demolition and Construction Management and Logistics Plan is reasonable and necessary to ensure public safety and the operation of the highway network; and to protect the reasonable amenity of neighbours during demolition and/or construction works. This is imposed as a pre-commencement condition to ensure that suitable controls and measures are in place prior to any demolition and construction works taking place. A further condition to control the hours of demolition and construction works is necessary in the interests of neighbouring occupiers.
15. In the interests of climate change, conditions are imposed to ensure the efficient use of water and carbon reduction. A condition to ensure suitable arrangements for cycle parking and cycling storage is reasonable and necessary in the interests of sustainable transport. I have imposed a condition to ensure suitable arrangements are in place for the storage and collection of waste and recycling in the interests of the character and appearance of the area, and the amenities of both neighbouring and future occupiers. A condition to secure compliance with sound insulation measures as per the Building

Regulations is reasonable and necessary in the interests of the amenity of neighbouring occupiers and sustainable construction.

Conclusion

16. For the reasons given above, I conclude that the proposal accords with the development plan, read as a whole. The appeal should therefore be allowed, and planning permission should be granted, subject to the conditions I have set out.

J Moore

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing Nos: 250303-01, 250303-02, 250303-03, 250303-04, 250303-05, 250303-06, 250303-7a, 250303-8a and 250303-9a.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing Nos: 250301-7a, 250303-8a and 250303-9a.

Pre-commencement

- 4) No development shall take place, including any works of demolition, until a Demolition and Construction Management and Logistics Plan (DCMLP) has been submitted to, and approved in writing by the local planning authority.

The DCMLP shall provide for:

- i) details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures
- ii) site preparation and construction stages of the development
- iii) details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials
- iv) details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway
- v) the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works
- vi) a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance
- vii) noise mitigation measures for all plant and processors
- viii) details of contractor(s) compound and car parking arrangements
- ix) details of interim car parking management arrangements for the duration of construction
- x) details of a community liaison contact for the duration of all works associated with the development.

The approved DCMLP shall be adhered to throughout the construction period for the development.

Pre-occupancy, compliance and other early-stage conditions

- 5) Demolition and/or construction works shall take place only between 08:00-18:00 on Monday to Friday and between 08:00 and 13:00 on Saturdays; and shall not take place at any time on Sundays or on Bank or Public Holidays.

- 6) Before the development hereby permitted is first occupied it shall have been constructed to have 100% of the wholesome water supplied to it by the mains water infrastructure provided through a water meter or water meters and it shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach used to determine the water consumption of the development. Any use of grey water and/or rainwater systems shall be separate from the potable (wholesome) water system and shall meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

- 7) Before the development hereby permitted is first occupied it shall have been constructed to incorporate carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

The development shall be maintained as such in perpetuity thereafter.

- 8) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with details that shall have been submitted to and approved in writing by the local planning authority.

The development shall be implemented in accordance with the approved details prior to the first occupation of the development and retained as such thereafter.

- 9) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the local planning authority.

The development shall be implemented in accordance with the approved details prior to the first occupation of the development and retained as such thereafter.

- 10) Before the development hereby permitted is first occupied, copies of Pre-completion Sound Insulation Test Certificates confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission) shall have been submitted to the local planning authority.

END OF SCHEDULE