



Appeal Decision

Site visit made on 8 July 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/N5090/W/25/3359848

452 Finchley Road, Cricklewood NW11 8DG

- 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 Henry Fordham (Bellis Homes (Southern) Ltd) against the decision of the Council of the London Borough of Barnet.
 - The application ref is 24/4488/FUL.
 - The development proposed is described as: provision of 1 x additional Class C3 residential unit at existing roof level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) (the DMPO) requires the Health and Safety Executive to be consulted on development which affects an existing relevant building. There is no evidence before me that the Council carried out this consultation. However, as I have concluded that the appeal should be dismissed in any event, little would be gained by delaying the decision to undertake that consultation. However, had my decision been otherwise, I would have provided an opportunity to do so.
3. Concern has also been raised as whether the appropriate notice of the appeal was given to leaseholders of the site as required by Articles 13 and 36 of the DMPO. "Making your appeal: How to complete your planning appeal form" confirms that notices must be served 'during the 21 days immediately before, or on the day, you send your appeal to us'. The appellant has provided a receipt of postage for 13 letters sent to the appeal property on 22 January 2025 and the planning appeal was submitted on 30 January 2025. I am therefore satisfied that I can proceed to determine the appeal.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - The ability of the site to maximise opportunities for the provision of on-site renewable energy.

Reasons

Character and appearance

5. The appeal site forms a four-storey property adjoining the highway on the corner of a four-way junction. The wider area comprises a handful of taller more modern buildings such as 713 Finchley Road (No 713) and 2-10 Hermitage Lane (No 2-10) with the majority of buildings forming three-storey traditional properties.
6. When approaching the appeal site from the west from Cricklewood Lane, the street is primarily lined with three storey properties. Those buildings with a fourth floor have this level recessed so as to maintain the low profile, three-storey character of the street scene. Cricklewood Lane rises in land level approaching the junction with Finchley Road and Hermitage Lane.
7. Despite its four-storey size, the appeal building appears unobtrusive within the street scene and of a similar scale to the low-level character of the buildings flanking this section of Cricklewood Lane. The appeal building is prominent in views from Cricklewood Lane due to its position in relation to the junction and layout of the road. However, it integrates into the streetscene as it is similar in scale to the buildings flanking the road and framing the appeal property. These flanking buildings also serve to screen the larger buildings such as No 713 and No 2-10 in these views.
8. The footprint of the proposed additional storey would occupy a modest section of the existing roof and would be set back from the façade. However, it would project notably above the existing roof line. While this would limit views when close to the appeal site, it would be visible from longer views when approaching the junction. The additional storey would appear particularly prominent when viewed from Cricklewood Lane, especially due to the higher ground level of the appeal site. Given the screening of the taller modern buildings by surrounding development, the proposal would be viewed in the context of the lower three storey buildings, appearing obtrusive and out of keeping with the street scene. As such, the proposal would create a development incongruent with this section of Cricklewood Lane appearing visually dominant, harming the low-level character of the street scene.
9. For the above reasons, the proposed development would result in substantial harm to the character and appearance of the area. Consequently, the proposal conflicts with the relevant provisions of Policies D3 and D4 of the Spatial Development Strategy for Greater London (2021) (the London Plan), Policies CS1 and CS5 of the Barnet's Local Plan Core Strategy Development Plan Document (2012), and Policy DM01 of the Barnet's Local Plan Development Management Policies Development Plan Document (2012). When read together these policies require new development to enhance local context and positively respond to local distinctiveness, in addition to preserving or enhancing local character.

Renewable energy

10. Policy SI 2 of the London Plan requires major development to provide a minimum on-site reduction of at least 35 per cent CO2 emissions beyond Building Regulations. The proposal would be accommodated on a section of the existing roof. The Council contend that the additional storey would prohibit the installation of solar panels on the roof of the existing building.

11. Approval 16/1974/FUL at the appeal site was for the redevelopment of the site comprising a five-storey building included the use of solar panels on the roof to achieve an overall 35% reduction of CO₂ emissions with a 20% reduction via onsite renewables. Approval 18/0725/S73 varied condition 1 (approved plans) of approval 16/1974/FUL.
12. The appellant contends that during the determination of approval 18/0725/S73, it was demonstrated that the 35% reduction of CO₂ emissions was achieved by other means than the solar panels such as fabric first principles and sustainable construction methods. This is evidenced by the submitted Energy Strategy Report.
13. Even if the solar panels were required for the original building to achieve the 35% reduction of CO₂ emissions, the appellant has calculated that the original number of solar panels could be installed if required which could be secured through condition. Therefore, the appeal site would remain capable of maximising opportunities for on-site electricity and heat production from solar technologies.
14. As such the proposal would not harm the ability of the site to maximise opportunities for the provision of on-site renewable energy. Therefore, the proposal would comply with the relevant provisions of Policy SI 2 of the London Plan.

Other Matters

15. There would be a benefit from the delivery of an additional dwelling. The proposal would make use of the airspace above an existing residential development sited in a sustainable location in proximity to shops, services and public transport links. There would be economic benefits during the construction and occupation stages of the development. However, these benefits would be limited as the proposal is for a single dwelling.
16. The proposal would meet the nationally defined space standards and provide cycle parking to meet the needs of the proposed development. There would not be an adverse effect on levels of sunlight or daylight to surrounding properties. Waste management could be addressed by condition. Highways access would be the same as for the existing building and the additional demands generated by one unit would not merit further works. However, these are to be expected of any well-designed development and so would be neutral in my assessment. Any concerns with respect to conditions imposed on previous permissions are outside the scope of this appeal.
17. Permitted Development rights have been introduced for the construction of additional storeys. However, I have not been made aware of whether the existing building would benefit from such permitted development rights. In any event, it is my role to determine the appeal that is before me.

Conclusion

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

N Unwin

INSPECTOR