
Appeal Decision

Site visit made on 3 September 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 September 2025

Appeal Ref: APP/N5090/W/25/3363286

Land Rear of No. 15 Selborne Gardens, Hendon, London NW4 4SH

- 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 Affi UK against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/3932/FUL
 - The development proposed is described as *'the erection of a three-bedroom single family dwelling on the land to the rear of No.15 Selborne Gardens and associated parking and refuse arrangements.'*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, the Council has adopted the Barnet Local Plan 2021-2036 (BLP). As a result, the BLP now forms part of the development plan. It has replaced Barnet's Local Plan (Core Strategy) Development Plan Document (CS) and Barnet's Local Plan (Development Management Policies) Development Plan Document (DMP). The Council has advised in its Statement of Case which policies from the BLP are now relevant. The appellant has had the opportunity to comment on the relevant policies of the BLP during the appeal process. Planning decisions must be based on the development plan policies prevailing at the time of determination. I have proceeded on that basis.
3. At appeal stage, the appellant has submitted a swept path analysis to show a range of vehicles entering and exiting the proposed parking area at the site. Whilst the analysis evolves the appellant's submissions, the proposed development itself has not been amended. I am satisfied that the analysis does not substantially or fundamentally alter the proposed development. The Council and interested parties have had the opportunity to comment on the submitted analysis.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of future occupiers with regard to the provision of outdoor amenity space and outlook; and
 - parking provision and highway safety.

Reasons

Character and appearance

5. The appeal site relates to a piece of land to the rear of 13 (No.13) and 15 (No.15) Selborne Gardens. The site is accessed via a laneway between No. 13 and 11 (No.11) Selborne Gardens. Surrounding development comprises predominately semi-detached two storey properties that are set back from the highway and benefit from relatively spacious rear gardens. Overall, there is a uniform pattern of development in the area. Whilst many dwellings within the area contain outbuildings within rear gardens, there is a clear distinction in hierarchy between the more formal, prominent front elevations of the dwellings and the secondary role of outbuildings, which are generally smaller in size and located to the rear of the dwellings.
6. The proposed dwelling would sit perpendicular to the road, behind other dwellings. It would have no street frontage. Given the irregular shape of the plot, the proposed dwelling's rear elevation would partially abut the shared boundary with 17 Selborne Gardens (No.17), whilst its side elevation would be sited close to the shared boundary with No.13 and 15. The proposed garden would be hemmed in between the side elevation of the dwelling and the side boundary of the site.
7. The dwelling would be single storey and set back from the access road, which I acknowledge would minimise views of it from the street. The proposed materials may also somewhat reflect surrounding development. Nonetheless, overall, the siting and layout of the proposed dwelling would result in the creation of a cramped and contrived form of development which would be entirely at odds with the surrounding pattern of development.
8. My attention has been drawn to several other examples of back land and garage development. From the evidence before me, it appears that the approved dwelling at 1-1A Plantagenet Road (Ref: 24/1020/FUL) would not be sited to the rear of existing dwellings and would front onto the road. This similarly appears to be the case with the approved scheme on Abbots Road (Ref: 16/1131/FUL) and at land to the rear of 4 Rundell Crescent (Ref: APP/N5090/W/19/3235349). These schemes are therefore not directly comparable to the appeal before me.
9. The allowed scheme at 40 Loring Road is a significant distance away from the appeal site. The context of that scheme and the appeal scheme before me are therefore not directly comparable. Each appeal must be determined on its own merits. I afford reference to this scheme limited weight in favour of the appeal.
10. I acknowledge that the dwelling proposed at 47 Downage (Ref: APP/N5090/W/24/3345017) would have been more visible than the dwelling proposed under this scheme. However, limited visibility does not equate to a lack of harm. As outlined previously, the proposed scheme would be a stark contrast to the prevailing pattern of development.
11. Whilst the appeal scheme would not utilise existing garden land, as was the case with the dismissed appeal at No.11 (Ref: APP/N5090/W/16/3145389), this would not outweigh the harm identified. In any case, this scheme was dismissed, with the Inspector finding harm to the character and appearance of the area.
12. My attention has been drawn to a scheme at 13 Holders Hill (Ref: APP/N5090/W/16/3143423). I have limited information regarding this appeal before me, however from the evidence before me it would appear that it was dismissed on grounds relating to character and appearance and living conditions. It would therefore not support the appellant's position.

13. I also have limited information before me regarding the developments at 77 Somerset Road (Ref: APP/N5090/W/20/3249832), Victoria Lane (23/3152/FUL) and 31 Endersleigh Gardens. These sites are however some distance away from the appeal site and would therefore not be viewed within the same context as the appeal scheme.
14. Overall, as a result of its siting and layout, the proposed development would have a harmful effect on the character and appearance of the area. This would be contrary to Policy CDH01 of the BLP and Policy D3 of the London Plan (2021) (LP). Collectively, these policies seek to ensure that development positively responds to the local character of an area.

Future occupiers

Outdoor amenity space

15. There is tree coverage along the side boundary of the site which separates it and the M1 motorway. Given the positioning of the trees and the site's orientation, any loss of sunlight would however be limited to the late afternoon/early evening. As the site is not entirely surrounded by tree coverage, the garden would still benefit from acceptable levels of daylight during the late afternoon/early evening. It would also benefit from adequate levels of sunlight and daylight in the morning times and throughout much of the afternoon.
16. Both main parties accept that an adequate amount of amenity space would be provided. I see no reason to disagree with this. I am therefore satisfied that sufficient usable amenity space would remain to satisfactorily meet the needs of the occupiers of the dwelling.

Outlook

17. From the evidence before me, it appears that the concerns relate to the two smaller bedrooms. The proposed bedroom which would sit next to the parking area would be dual aspect and look out onto an existing fence and a garage. Nonetheless, there would be some distance between the windows and the boundary treatments and garage. The intervening space would also be landscaped. Given this, I consider that the proposed outlook from this bedroom would be acceptable.
18. The window serving the other smaller bedroom would be single aspect, and face onto a timber fence at a shorter distance. Nonetheless, it would still face out onto a landscaped area and there would be some distance between the window and fence. Furthermore, given the use of the bedroom, it would likely only be used during certain hours of the day, with occupants using other rooms such as the living area and kitchen at other times of the day. The other habitable rooms in the dwelling also offer acceptable levels of outlook. Given this, I do not consider the outlook from this bedroom to result in material harm to the living conditions of future occupiers.
19. To conclude on the main issue, the scheme would ensure adequate outdoor amenity space and acceptable outlook from the bedrooms. Overall, the scheme would ensure acceptable living conditions for future occupiers in these regards. This would be in accordance with Policy CDH01 of the BLP and Policy D6 of the

LP. Collectively, amongst other matters, these policies seek to ensure acceptable living conditions for future occupiers.

20. I do not find any conflict with Policy CDH02 of the BLP in this regard. This policy sets out standardised accessibility and adaptability requirements for new residential development. I also find no conflict with Policy CDH05 of the BLP, which relates to extensions.

Parking provision and highway safety

21. The third refusal reason concerns the lack of swept path analysis to show vehicles entering and leaving the parking bays, and information regarding emergency access. At appeal stage, the appellant has submitted a swept path analysis to show a range of vehicles entering and exiting the site.
22. The analysis indicates that the proposed layout has the capacity to accommodate a vehicle entering and exiting the site in a forward gear. A passing place is also indicated on the analysis for medium and large cars. The analysis also shows how a DB32 fire appliance could enter and exit the site using the access road.
23. On the basis of the evidence before me, I am satisfied that the analysis demonstrates that vehicles, including emergency service vehicles, could access the site safely. The main parties accept that the number of parking spaces provided is acceptable. Furthermore, there is no particular evidence before me to indicate that the development would result in parking pressure in the surrounding area.
24. Based on the evidence before me, I am satisfied that the scheme would provide adequate parking provision and access, including emergency access. It would therefore not be harmful to highway safety in this regard or result in increased congestion. This would be in accordance with Policy TRC03 of the BLP and Policies T4, T6 and T6.1 of the LP. Collectively, amongst other things, these policies seek to ensure that development provides acceptable parking provision and does not increase highway danger.
25. I do not find any conflict with Policy TRC01 of the BLP in this regard. This policy relates to sustainable and active transport.

Other Matters

26. The Council raises concerns regarding the effect of the development on the living conditions of neighbouring occupiers with regards to noise and light pollution and impact on their rear amenity space. It also raises concerns regarding the effect on the living conditions of future occupiers with regards to privacy and the provision of daylight/sunlight in the proposed living room and the master bedroom. The case officer report outlines how a completed statutory biodiversity metric tool, relating to biodiversity net gain, was not submitted and therefore insufficient information has been provided regarding this matter. None of these concerns are however referenced in the refusal reasons. Given my findings on the main issues, these matters would not be determinative. I have therefore not considered them further.
27. The Government's objective is to significantly boost the supply of housing, and the proposal would provide one new family-sized dwelling on a small site. The scheme would also ensure some improvements to the access road such as speed bumps,

signage and resurfacing. These factors weigh in favour of the proposal. However, the benefits would be limited given the scale of the development.

28. The appeal property would comply with the Nationally Described Space Standards and would be provided with adequate cycle parking, and I note that the Council raised no concerns regarding the loss of sunlight or daylight to neighbouring properties or the noise impacts from the surrounding highway network. Based on the information before me and my observations on site I see no reason to take a differing view. However, compliance with the relevant policy requirements would be required in any case, therefore these matters weigh neutrally, rather than in favour of the proposal.
29. The appellant's comment regarding the lack of objections from interested parties is noted. However, a lack of objection does not equate with a lack of harm.

Conclusion

30. The proposal conflicts with the development plan and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

S Burch

INSPECTOR