

Appeal Decision

Site visit made on 19 June 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 September 2025

Appeal Ref: APP/N5090/W/25/3362412

Hendon Park Mansions, Queens Road, London NW4 2TG

- 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 Twinsectra Ltd against the decision of the Council of the London Borough of Barnet.
 - The application reference is 24/2880/FUL.
 - The development proposed is the erection of a one-storey extension to the side wings of the existing building to create 4 flats with associated cycle parking and waste storage provision.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a one-storey extension to the side wings of the existing building to create 4 flats with associated cycle parking and waste storage provision, at Hendon Park Mansions, Queens Road, London NW4 2TG in accordance with the terms of the application, reference 24/2880/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The new Barnet Local Plan ("the BLP") was adopted on 4 March 2025. It replaced the 2012 version of that plan, the policies of which had been referred to on the decision notice issued by the Council. The appellant's submissions and the Council's appeal statement were made in the light of the new local plan and its policies; I have determined the appeal with reference to the up-to-date development plan.
3. The appellant has submitted a signed and dated Unilateral Undertaking ("UU") under Section 106 of the Town and Country Planning Act 1990, to which I return below.

Main Issues

4. The main issues are the effect of the proposed development on:
 - The character and appearance of the area;
 - Living conditions for occupiers of the neighbouring property at No 5 Wykeham Road, with particular regard to outlook, and whether it would be harmfully overbearing; and
 - Living conditions for residents of Hendon Park Mansions, with particular regard to whether it would lead to unacceptable overshadowing of the communal rear garden.

Reasons

Character and appearance

5. Hendon Park Mansions is a 1930s L-shaped block of 20 flats on the north-eastern corner of the junction of Queens Road and Wykeham Road. The central part of the block, forming the corner section closest to the junction, has four storeys while the side wings have three; this gives some visual emphasis to the building at the entrance to Wykeham Road. A grassed area at the rear of the block provides communal amenity space for the residents; set within the rear of the block is also a separate self-contained single-storey dwelling “The Bungalow”, with its own private garden area. The surrounding area is predominantly residential, with houses and blocks of flats – mostly two- to four-storeys in height – of a variety of ages and styles. A wide range of shops and services are found in the vicinity of Hendon Central underground station, a very short walk away to the west. The public open space of Hendon Park lies across Queens Road to the south.
6. The Council’s 2016 *Residential Design Guidance* Supplementary Planning Document provides guidance for new residential development, though most of its advice in respect of extensions relates to houses rather than blocks of flats. Nevertheless, it sets out broad principles for all residential developments, including that they should sit comfortably with their neighbours, and respect the scale, massing and height of their surroundings.
7. The proposed development is the addition of an extra floor to both side wings, bringing them to four storeys in height; this would create four new flats. The scheme would also include the provision of cycle parking and waste storage facilities at the rear of the building. The proposed development would follow the hipped roof form of the existing building, and would not – in terms of storeys, at least – increase its overall height. Design detailing, including materials, would be to match the existing building.
8. Although the higher side wings would reduce the overall prominence of the corner section, on the Wykeham Road frontage the roof of the extension would still be lower so it would remain a subordinate feature. On the Queens Road frontage, because of the rising topography towards the east of the site, the roof of the extension would be set a little higher than that of the corner section. However, the front elevation would be set slightly behind that of the corner section, and the hipped roof form and the inset balconies at either end of the proposed additional storey would provide visual relief; this would break up the impact of the extension and prevent it overwhelming or otherwise harming the existing form of the building.
9. The properties on either side of Hendon Park Mansions, No 3 Queens Road and No 5 Wykeham Road, are two-storey houses. The proposed extensions would increase the height differential between the appeal property and its two nearest neighbours. However, both neighbouring properties have relatively high, steeply pitched roofs, while the proposed extensions would replicate the existing shallower pitch of Hendon Park Mansions, so the relative impact of the scheme would be lessened somewhat. Furthermore, the surrounding area is one where differences of two or more storeys between adjoining buildings are not unknown – for example, between the five-floor Highview House (four buildings to the east of the appeal property on Queens Road) and the three-storey No 7 next door to it, though there are others in the Central Circus area around Hendon Central

Station – so overall this would not lead to a harmful incongruousness; the visual impact of the height difference would be limited.

10. I have had regard to the comments made by an Inspector dismissing an earlier appeal relating to the site in October 2023¹ including, among other things, that the scale of development would “dwarf immediately neighbouring properties”, and would make Hendon Park Mansions dominant and “unduly prominent and out of place at the site”. However, the proposed development in that case involved the creation of *two* additional floors across the whole of the property, making it five and six storeys high; I note it also included rear lift shafts, described by my predecessor as “bulky features” which would “fail to successfully assimilate with the host building”, which are absent here. I was provided with the submitted drawings for that scheme, and do not disagree with my colleague’s conclusions at all. However, the proposal before me is substantially different, representing a markedly smaller scheme which would have a different impact on the character and appearance of the appeal property and the wider area.
11. I conclude that the proposed development would not cause unacceptable harm to the character or appearance of the area. There would therefore be no conflict with Policy CDH01 of the 2025 BLP which, among other things, seeks to ensure that development responds sensitively to distinctive local character and design, building form and patterns of development, scale and massing, roof form and height, and is of materials of suitable quality and appearance to respect local character and appearance.

Living conditions – No 5 Wykeham Road

12. There are several windows on the side elevation of No 5 Wykeham Road facing the appeal site. However, these are generally small, most are obscure glazed, and the evidence before me is that none is the primary (or only) window serving a habitable room. Although it is therefore possible that the additional storey on the adjacent wing of the appeal would be visible from within some of those rooms within No 5, it would not be harmfully overbearing or cause significant harm to outlook.
13. The appellant also drew my attention to a grant of planning permission in 2023 for the change of use of No 5 from a dwellinghouse to an educational establishment². While I note correspondence provided during the appeal indicating that the purchase of No 5 for that scheme was proceeding³, there is nothing before me to indicate that the development has commenced and, as the current lawful use of the property as a dwellinghouse could therefore continue, it would be appropriate here to take a precautionary approach. However, for the reasons set out in the preceding paragraph, I find that no significant harm would be caused.
14. My conclusion on this matter differs again from that of my colleague in the October 2023 appeal decision. This is in part due to the smaller nature of this proposal, and its lesser bulk and massing. However, it is also apparent that information about the use of the nearest rooms within No 5, and the obscure glazing in their windows, was not before the Inspector in that case. These differences therefore mean that a different decision is justified.

¹ PINS Ref: APP/N5090/W/23/3323765

² LPA Ref: 23/5070/FUL

³ Letter from Fladgate LLP, 12 May 2025

15. I conclude that the proposed development would not cause unacceptable harm to living conditions for occupiers of the neighbouring property at No 5 Wykeham Road. There would therefore be no conflict on this matter with Policies CDH01 or CDH02 of the 2025 BLP which together, and among other things, seek to ensure that development provides a good standard of amenity including in respect of outlook.

Living conditions – Hendon Park Mansions

16. Although the planning application included a daylight and sunlight report, this only considered the effect of the proposed development on the surrounding dwellings – it did not set out an assessment of overshadowing of the rear communal amenity space at Hendon Park Mansions. An updated daylight and sunlight report, including this information, was submitted during the appeal⁴. The daylight and sunlight report was prepared with reference to BRE guidelines⁵ which, while not policy, are generally accepted as setting appropriate standards in these matters.
17. The BRE guidance advises that “at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March”, and that “if as a result of new development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21 March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable”. The daylight and sunlight report indicates that the part of the rear amenity space receiving two hours of sunlight on March 21 would be reduced to 0.75 times its previous value. In the terms of the BRE guidance, the loss of sunlight as a result of the proposed development would be likely to be noticeable. However, the BRE guidance also advises that its guidelines should be interpreted flexibly.
18. When I visited the site, there was seating and children’s play equipment in the amenity area. While drying of laundry appeared to be being carried out on rear access balconies rather than in the garden, I do not necessarily accept as accurate the characterisation of the space as “very underused”⁶, at least not as far as informal leisure in the middle of the summer is concerned. At the same time, the extent of existing overshadowing would already be likely to limit the extent to which residents of Hendon Park Mansions would rely on the amenity space for leisure purposes during the winter months, especially with the alternative of Hendon Park immediately across the road. The additional overshadowing arising from the proposed development would, on March 21, affect a narrow band close to the fence with The Bungalow’s garden but, taking all the circumstances of the site into account, I do not consider that this would have a significant adverse impact.
19. The details of this proposal and its potential impacts are very different to those assessed by the Inspector in the October 2023 appeal decision, when the area of the rear garden receiving at least two hours of sunshine on March 21 would have been reduced by around 70%. Once again, I consider that the circumstances are so different that my reaching a different overall conclusion is justified.
20. I conclude that the development would not cause unacceptable harm to living conditions for residents of Hendon Park Mansions. There would therefore be no conflict in this respect with Policies CDH01 or CDH02 of the 2025 BLP which

⁴ *Permanent and Transient Overshadowing Report (Adjacent Amenity Spaces)* Twinsectra Ltd - Drees & Sommer, March 2025

⁵ Set out in *Site layout planning for daylight and sunlight – A guide to good practice* – BRE 2022

⁶ As it was described in the submitted planning statement.

together, and among other things, seek to ensure that development provides a good standard of amenity including in respect of daylight and sunlight.

Other Matters

21. I have had regard to the other representations which were put to me; most of the matters raised, to the extent that they were material, have been dealt with in the main issues above. I note comments about the planning history of the appeal site, and the suggestion that the appellant has repeatedly attempted to secure permission for increased development. While this is no doubt irritating or even upsetting for some local people, it is nevertheless permitted by the system; my role is to determine this appeal on the basis of the planning merits and impacts of the specific proposal before me.
22. I acknowledge that the creation of additional storeys on a block of flats would inevitably lead to a period of noise and other disturbance for existing residents. However, this would be relatively short-lived, and I consider that this could be appropriately managed by conditions requiring the submission and approval of a construction management plan, and limiting the construction working hours.
23. The site has a Public Transport Accessibility Level of 5, which means it has very good access to public transport. Some responses to the planning application consultation highlighted parking problems in the area around the appeal site and, while this did not form part of the reasons for which planning permission was refused, it is apparent that even a relatively small development of four dwellings could have an adverse impact on parking stress.
24. The submitted UU would provide a mechanism to ensure that any future occupier of the proposed dwellings (other than someone entitled to hold a “blue badge”) should not be permitted to apply for or hold a parking permit for a controlled parking zone. It is dated 28 April 2025, and is signed and executed as a deed. The National Planning Policy Framework (“the Framework”) sets out policy tests for planning obligations; they must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The same tests are enshrined in the statutory tests set out in Regulation 122 of the CIL Regulations. The UU would mitigate the impacts of the development in respect of parking demand, and would comply with the statutory tests. As such, I have taken it into account in reaching my decision.

Conditions

25. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. I have also taken into account the appellants’ comments in response. Where necessary I have made minor alterations to the wording in the interests of clarity and effectiveness.
26. In addition to the standard time limit condition (1), in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2). A condition relating to materials (3) is necessary to protect the character and appearance of the area, and to comply with Policy CDH01 of the 2025 BLP. Conditions relating to a construction management plan (4) and working hours (5) are necessary to protect living conditions for nearby

residents, in the interests of highway safety and air quality, and to comply with Policies CDH02 of the 2025 BLP, and Policies SI1, SI7, D14 and T7 of the London Plan 2021.

27. Conditions relating to water consumption (6) and the reduction of carbon emissions (7) are necessary to reduce the environmental impacts of the development, and to comply with Policy ECC01 of the 2025 BLP and Policies SI2 and SI5 of the London Plan 2021. Conditions relating to the submission and approval of details of enclosures for the storage of cycles (8) and refuse and recycling (9) are necessary to ensure that these facilities are provided in an appropriate fashion, and to comply with the relevant policies of the development plan – Policies CDH01 and TRC01 of the 2025 BLP and Policy T5 of the London Plan 2021 in respect of cycle storage, and Policies CDH01 of the 2025 BLP and Policies D6 and SI7 of the London Plan 2021 in respect of waste and recycling.
28. I have not imposed the condition suggested by the Council relating to the provision of additional on-site car parking spaces. I accept the appellant's argument that there is not adequate space within the site for such spaces, or access to them, to be provided. However, as I have explained above, I consider that limiting access to parking permits for residents of the new flats would prevent the development having an unacceptable effect on parking demand or highway safety, and the submitted UU would make adequate provision in this respect.

Conclusion

29. I have found that the proposed development would comply with the development plan, taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

M Cryan

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 the following approved drawings:
 - 1195.33.02-001 O.S. location plan
 - 1195.33.02-002 block plan
 - 1195.33.02-010 existing ground floor
 - 1195.33.02-011 existing first floor plan
 - 1195.33.02-012 existing second floor plan
 - 1195.33.02-013 existing third floor plan
 - 1195.33.02-014 existing roof plan
 - 1195.33.02-020 existing front elevation
 - 1195.33.01-021 existing rear elevation
 - 1195.33.02-030 existing section EEFF
 - 1195.33.02-100 proposed ground floor
 - 1195.33.02-101 proposed first floor
 - 1195.33.02-102 proposed second floor
 - 1195.33.02-103 proposed third floor
 - 1195.33.02-106 proposed roof
 - 1195.33.02-200 proposed front elevation
 - 1195.33.02-201 proposed rear elevation
 - 1195.33.02-300 proposed section EEFF
- 3) The external materials of the extensions hereby permitted shall match those used in the existing building.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement 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 contractors compound and vehicle parking arrangements;

- ix) details of a community liaison contact for the duration of all works associated with the development.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) Demolition or construction works shall take place only between 0800 and 1800 on Mondays to Fridays, between 0800 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) The dwellings hereby approved shall be constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling 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 should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.
- 7) The dwellings hereby approved shall be constructed incorporating 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 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.
- 8) 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 before the first occupation of the development hereby permitted. Development shall be carried out, and the recycling and refuse facilities retained thereafter. in accordance with the approved details.
- 9) Details of cycle parking spaces and cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development hereby permitted. Development shall be carried out, and the cycle parking and storage facilities retained thereafter. in accordance with the approved details.

[End of schedule]