



Appeal Decision

Site visit made on 04 November 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/N5090/W/25/3367936

61 Finchley Lane, Hendon, Barnet, London NW4 1BY

- 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 Ari Sufrin against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 25/1045/FUL.
 - The development proposed was described as: "Part Retrospective and part proposed planning permission for creation of a outbuilding".
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Decision

1. The appeal is allowed and planning permission is granted for creation of an outbuilding at 61 Finchley Lane, Hendon, Barnet, London NW4 1BY in accordance with the terms of the application, Ref 25/1045/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted must be commenced not later than three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 04, 05, 06 and 07 (all dated 10 March 2025); Location Plan and Site Plan dated 27 November 2022.
 - 3) The materials to be used in the external surfaces of the outbuilding hereby permitted shall be as stated on page 8 of the application form dated 11 March 2025.

Preliminary Matters

2. I have also dealt with another appeal¹ on this site for a different part-retrospective outbuilding at the rear of the appeal site (No 61). That concurrent appeal is the subject of a separate decision.
3. The decision notice description of development differs to that within the application form, and which is also in the banner heading above. The decision notice description refers to "demolition of existing outbuildings". However, such demolition would appear to include part of an outbuilding granted planning permission part-retrospectively by the Council in September 2024 ("the 2024 planning permission"). The appellant's appeal questionnaire form also indicates that the description of development on the application form is still correct.

¹ Appeal Ref: 6000316

4. I have thus determined this appeal having regard to the application form description. My above decision removes reference to “Part Retrospective and part proposed planning permission”, as that does not relate to a form of development.
5. The application form also advises that works started in February 2019 but have not been completed. As proposed, the structure I observed during my site visit appeared to have already been reduced in width from that as shown on the pre-existing and existing plans, and which is subject to an enforcement notice upheld at another appeal (“the previous enforcement notice appeal”) requiring its full removal. Its side canopy was however narrower than that as shown on the proposed elevations. Its pitched roof form was also symmetrical, rather than the slightly asymmetrical design shown on the proposed elevation plans.
6. The rear garden boundaries for several of the flats also appeared to have been amended from what the plans show, and Flat 2’s bicycle store was not present within its rear garden area. The outbuilding beyond Flat 2’s garden was further away from its rear elevation than as shown on the plans. I have therefore determined this appeal as being part-retrospective in nature. I must however determine the appeal on the basis of the submitted proposed plans before me.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

8. No 61 comprises a semi-detached dwelling over three floors, which I understand has been converted and extended to provide seven flats. There are three separate fenced garden areas beyond the rear elevations, and a larger communal garden area further beyond.
9. The proposed outbuilding subject of this appeal is larger than many nearby, including No 63 Finchley Lane, and is to be sited relatively near No 61’s rear elevations. It would however be well set away from the side boundary and be of conventional rectangular shape that is not excessive. Low height and wooden elevations also avoid an unsympathetic, incongruous or visually intrusive impact on No 61 and the vicinity.
10. The appeal outbuilding would therefore not appear too large in the context of No 61 and its environs. Nor would it significantly reduce the size of the communal garden to become out of character with the area, even when accounting for the 2024 planning permission. The natural features and spaciousness of No 61’s overall retained rear garden areas would not be adversely diminished.
11. The outbuilding subject of this appeal would therefore not harm the character and appearance of the surrounding area, in compliance with Policy CDH01 of the Barnet Local Plan 2021-2036 (adopted 2025) and Policy D3 of the London Plan (adopted 2021). Collectively, these policies require, amongst other things, development proposals to respond sensitively to the distinctive local character and context in terms of design, building form, patterns of development, layout and shape. As also set out above, the outbuilding complies with the relevant guidance set out in the Council’s Residential Design Guidance Supplementary Planning Document (2016).

12. In arriving at this conclusion, I acknowledge that the proposed ground floor plan indicates that the outbuilding would provide storage space for Flat 4. I have not been directed to a planning policy requirement for a specific residential storage need to be demonstrated. That being said, I must consider whether allowing this appeal could set an undesirable precedent for other similar schemes put forward to serve other flats within No 61. I am satisfied that no such precedent would be created, as the abovementioned policies and guidance would remain as material considerations unprejudiced by my decision, to be assessed against the specific merits of any future proposal that may be put forward.

Other Matters

13. I note that the Council provided pre-application advice which indicated that it would support a significantly smaller storage building, similar to No 63's rear outbuilding. I am also aware that there have been a number of applications submitted for outbuildings at No 61, most of which were refused, including one upheld at appeal².
14. However, I have determined the current proposal on its own specific merits. In doing so, I have had cognisance of the previous enforcement notice appeal whereby procedurally, the Inspector for that appeal could not consider the impact of that building on the character and appearance of the area because the appellant had not made an application for planning permission through a ground (a) appeal. Compliance with the requirements set out in that previous enforcement notice appeal is a matter for the Council to consider.
15. Nearby neighbours purport that the appellant has been using outbuildings within No 61 for storage of building materials and equipment associated with other development sites, causing disruption and distress within the community. However, any material change of use within No 61 to commercial storage would require additional planning permission and would be a matter for the Council to investigate, if necessary.

Conditions

16. A condition specifying a time limit for the development (No 1) is necessary in the interests of planning certainty. Condition 2 is necessary to clarify the approved plan details. For clarity, I have added reference to the plan dates, and I have deleted reference to Drawing Nos 01, 02 and 03, as they are original and pre-existing plans rather than proposed plans. The application form advises that the proposed external materials would comprise wooden walls and felt roof. I have therefore amended condition 3 to ensure that the development is undertaken as such, which is necessary in the interests of the character and appearance of the area. For clarity, I have added reference to "the outbuilding hereby permitted".

Conclusion

17. For the above reasons, the appeal is allowed.

R Cahalane

INSPECTOR

² Appeal Ref: APP/N5090/W/24/3342741