



Appeal Decisions

Site visit made on 27 January 2026

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2026

Appeal A Ref: APP/N5090/C/25/3359408

Land at 11 Church Hill Road, Barnet EN4 8SY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Bukurosh Haskasa against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 16 December 2024.
- The breach of planning control as alleged in the notice is without planning permission the construction of a single storey rear extension (circled in red in Attachment 1 attached to the notice).
- The requirements of the notice are to:
 - 1 Demolish the single storey rear extension (circled in red in Attachment 1 attached to the notice).
 - 2 Permanently remove all constituent materials resulting from the works in 1. above from the property.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).

Appeal B Ref: APP/N5090/W/25/3358845

11 Church Hill Road, East Barnet, Barnet EN4 8SY

- 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 Mr Bukurosh Haskasa against the decision of the Council of the London Borough of Barnet.
- The application Ref is 24/3733/RCU.
- The development proposed is described as 'Planning for a retrospective proposal for a metal structure at the rear of 11 Church Hill Rd, London, Barnet EN4 8SY.'

Decisions

1. Appeal A is dismissed and the enforcement notice is upheld.
2. Appeal B is dismissed.

Appeal A on ground (b)

3. An appeal on ground (b) is that the matters alleged have not occurred as a matter of fact.
4. To succeed on this ground the appellant would need to demonstrate that a single storey rear extension has not been constructed. The appellant does not dispute that it has, only that it has not been built on Council owned land, a matter which is not relevant to this ground of appeal.
5. Since, as a matter of fact, a single storey rear extension has been constructed, the appeal on ground (b) fails.

Appeal B

Preliminary Matters

6. In the reason for refusing the application the Council referred to the extension (metal structure as referred to in the appellant's description) encroaching upon Council owned land and in their statement stated that the appellant failed to serve notice of the appeal on the relevant landowner(s). The appellant provided a copy of the Title Register, but this takes me no further since there is no plan attached, nor did the Council provide substantive evidence in respect of land ownership.
7. In any event, if the Council own part of the land, they were not procedurally disadvantaged by any failure to serve notice, since they validated and determined the application and were therefore evidently aware of the proposed development. Moreover, as landowners of part of the land upon which the extension has been built, they should have served a copy of the enforcement notice on themselves, which there is no evidence that they did.
8. The extension has been built and therefore I have determined the application based on the proposed plans and my observations.
9. Comments were received in response to the appeal from the occupier of 15 Church Hill Road, that the extension has directly blocked the designated fire exit to their premises. These comments were sent to the appellant and Council and no comments were received. Since fire safety is an important material consideration, I wrote out again to the appellant and Council giving a further opportunity for comment, however none were received.
10. Since the application was determined and the appeal made, the Council adopted the Barnet Local Plan 2021 – 2036 (Local Plan). The Council were asked to provide copies of the policies which they intend to rely on, upon which the appellant was given the opportunity to comment.

Main issues

11. Based on the above, and the Council's decision notice, the main issues are the effect of the extension on (i) the character and appearance of the area and (ii) the fire safety of occupiers and users of 15 Church Hill Road.

Reasons

Character and appearance

12. To the rear, properties in the terrace have been much altered with extensions, generally flat roof, of varying scale and appearance, many of which are of little architectural merit. The appeal development has a straightforward contemporary appearance, which viewed in context with the much-varied surrounding development causes no harm to the character and appearance of the area.
13. Accordingly, there is no conflict with Policy CDH01 of the Local Plan which requires that all development be of a high architectural design and urban design quality.

Fire safety

14. The extension extends across the rear of 11 and 15 Church Hill Road.

15. Fire safety forms a substantial part of the considerations and requirements of Building Control Regulations; however, it is also an important material planning consideration. Although a separate regulatory regime, there is no evidence that an application has been made by the appellant for any approvals required to satisfy Building Control Regulations, which might indicate that fire safety has been considered.
16. Consequently, in the absence of any such details or explanation, there is an unacceptable risk that the extension constitutes a risk with regard to fire safety, for occupiers and users of 15 Church Hill Road. I attach substantial weight to this matter because of the potential risk to life.
17. Accordingly, notwithstanding my finding no harm to the character and appearance of the area, for this reason the appeal should be dismissed.

Other Matters

18. The Council also referred to policies GSS01, CDH04 and ECC05 which relate to delivering sustainable growth, tall buildings and Barnet's parks and open spaces, which are not relevant to the considerations in this case and weigh neither for nor against the development.

Conclusions

19. For the reasons given above, I conclude that Appeal A should not succeed. I shall uphold the enforcement notice.
20. For the reasons given above Appeal B should be dismissed.

Felicity Thompson

INSPECTOR