



Appeal Decisions

Site visit made on 19 February 2026 by J Reed MPlan

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Appeal A Ref: APP/N5090/C/24/3344773

Land at 13 Manor Way, London NW9 6JD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Adam Lin against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 15 April 2024.
- The breach of planning control as alleged in the notice is without planning permission, the making of a material change of use of the rear of the land to use as a dwellinghouse and the construction of an additional outbuilding incidental to making of the change of the use.
- The requirements of the notice are to: 1. Cease the use of the rear garden the additional outbuilding as a self-contained residential dwelling. 2. Permanently remove all cooking facilities from the additional outbuilding including the kitchen unit, sink, cooker and food preparation, and storage areas. 3. Permanently remove all bathroom facilities from the additional outbuilding including the toilet, basin, and shower. 4. Demolish the additional outbuilding, (Highlighted in Images No 1 and No 2 attached with the notice) 5. Permanently remove from the property all constituent materials resulting from the works in 4 above.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: Appeal A is dismissed, and the enforcement notice is upheld, and planning permission is refused in the terms set out below in the Inspector's Decisions.

Appeal B Ref: APP/N5090/C/24/3344774

Land at 13 Manor Way, London NW9 6JD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Adam Lin against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 12 April 2024.
- The breach of planning control as alleged in the notice is without planning permission, the making of a material change of use of land to the rear of the property to use as a dwellinghouse and the demolition of a pre-existing garage and construction of the outbuilding now host to the dwelling incidental to making of the change of the use.
- The requirements of the notice are to: 1. Cease the use of the rear garden outbuilding (that has replaced the previously existing garage), as a self-contained residential dwelling. 2. Permanently remove all cooking facilities from the outbuilding (that has replaced the previously existing garage) including the kitchen unit, sink, cooker and food preparation, and storage areas. 3. Permanently remove all bathroom facilities from the outbuilding (that has replaced the previously existing garage) including the toilet, basin, and shower. 4. Demolish the outbuilding, (that has replaced the previously existing garage), (Highlighted in Images A and B attached with the notice). 5. permanently remove from the property all constituent materials resulting from the works in 4 above.
- The period for compliance with the requirements is: 6 months
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: Appeal B is dismissed, and the enforcement notice is upheld, and planning permission is refused in the terms set out below in the Inspector's Decisions.

Appeals Procedure

1. The site visit was undertaken by a representative of the Inspector whose recommendations are set out below and to which the Inspector has had regard before deciding the appeals.

Preliminary Matters

2. Since the appeals were registered, the Barnet Local Plan 2021-2036 (the LP) was adopted by the Council on the 4 March 2025. The LP replaces the 2012 Local Plan which comprised the Barnet Local Plan (Core Strategy) Development Plan Document (September 2012) and the Barnet Local Plan (Development Management Policies) Development Plan Document (September 2012). I therefore sought clarification from the Council regarding policies which have been superseded, replacement policies and the application of any replacement policies to the appeal schemes. The appellant was provided with an opportunity to provide their comments on this matter.
3. The notice in Appeal A relates to the use of land occupied by an outbuilding at the far end of the rear garden of the site, along the south-western boundary. I shall refer to that area of land as 'Outbuilding A'. The notice in Appeal B relates to the use of land occupied by an outbuilding along the eastern boundary of the rear garden to the site, where a garage has been demolished. I shall refer to that area of land as 'Outbuilding B'.
4. The appellant was unable to provide full access to either of the outbuildings and as such I cannot confirm their internal layouts. I was, however, able to inspect the exterior of Outbuilding A and Outbuilding B, sufficient to provide a recommendation for these appeals.

Appeal A on ground (a) And Appeal (b) on ground (a) and the Deemed Planning Applications

Main Issues

5. The main issues in each appeal are the effects of the developments on:
 - The character and appearance of the area and
 - The living conditions of occupants with specific regard to outdoor amenity space and internal floor space.

Reasons for the Recommendations

Character and appearance

6. The site is located within a mainly residential area which is predominantly characterised by semi-detached dwellings of similar appearance and architectural form. Dwellings are set back a short distance from the highway with modest areas of garden or hard standing for parking to their front whereas to the rear, gardens are mostly generously sized with many housing outbuildings. Some properties also possess garages to their side/rear which was the original arrangement at the appeal site. A clear building line exists which follows the line of the road and where side to side gaps between dwellings exist, the separation distance is mainly short and results in a dense arrangement of built form and a closely-knit feel.

7. Outbuildings constructed within gardens in the area generally tend to be domestic in scale and subservient to the dwellings they serve. Overall, there is a rhythm of built form and spaces. The open and spacious qualities of the side and rear gardens make a positive contribution to the distinctiveness of the locality.
8. The main house at the site is one of a pair of semi-detached dwellings positioned on Manor Way which reflects the common arrangement of the area outlined above. To the side is Outbuilding B which sits in roughly the same footprint as where a historic garage was situated to its side/rear. Outbuilding A is located to the rear boundary of the appeal site.
9. Both the outbuildings possess a substantial land take and are both single storey. Barnet's Residential Design Guide Supplementary Planning Document (2016) (the SPD) sets out, among other things, that back garden buildings should not be too large or significantly reduce the size of a garden to become out of character with the area and their design and materials should be in harmony with the surrounding area. Whilst Outbuilding A and Outbuilding B are clad in matching materials to the main house, by reason of their significant scale and bulk both buildings collectively appear as highly dominant and discordant features that fail to appear subservient to the host dwelling. Taken individually, given their overall size, the buildings are highly substantial and incongruous when read in their residential garden setting.
10. Whilst I note that visibility of the two outbuildings is limited from the public highway, due to the proximity of the appeal site with No.11 Manor Way, as well as both the outbuildings height and the modest boundary treatments surrounding the appeal site, both buildings appear highly visible from the rear gardens of the surrounding dwellings.
11. The introduction of two separate, identifiable dwellings, encroaches on the rear garden environment. Notwithstanding the presence of neighbouring outbuildings, the development in each appeal appears incongruous when viewed amongst the nearby functionally subordinate structures. Furthermore, the development in each appeal has brought about an intensification of the site beyond its expected residential envelope as a singular family dwelling.
12. I also note the lawful development certificate at the site¹ referenced by the appellant as a precedent. However, this was for a singular outbuilding which was ancillary to the main house on the site. In contrast the appeals before me are for two additional dwellings which as I have identified above are harmful to the character and appearance of the area. I therefore give it limited weight in the appeal.
13. I therefore conclude that the development in each appeal individually harms the character and appearance of the area. Each development is contrary to Policies CDH01 and CDH02 of the Barnet Local Plan (2025) and Policy D3 of the London Plan (2021). Amongst other things, these policies require development to respond sensitively to the distinctive local character and design, building form, patterns of development, scale, massing, roof form and height of the existing context.

¹ 22/3661/192

Living conditions

14. Both outbuildings are set in the large rear garden at No.13, which is of a size that offers suitable functionality for both the occupants of Outbuilding A and Outbuilding B, as well as those of the main house. This does not, however, overcome my concerns in relation to the space's location and proximity to the main house and Outbuilding A and Outbuilding B. Moreover, the immediacy of the communal space to the habitable room windows of both the outbuildings and the main house results in users being mutually exposed to unacceptable levels of noise and disturbance from activities associated with the space as well as mutual overlooking. Indeed, as the garden directly abuts the outbuildings and the main house, habitable room windows face onto the external shared garden, which is wholly inappropriate in respect of residential amenity.
15. Policy D6 of the London Plan (2021) outlines internal space standards for new dwellings. In the case of Outbuilding B both the Council and the appellant acknowledge that the outbuilding falls below the requirements for a single bedspace unit. Taking this into account, the plans before me; as well as my observations on site, I consider Outbuilding B provides poorly sized living accommodation and poor living conditions for its occupant.
16. Turning to Outbuilding A, the Council contend that the total external area of the outbuilding is 22.75 square metres and the appellant does not dispute this. The appellant contends that there is only one individual residing in this building and as a result the outbuilding meets the standards. However, even when applying Policy D6 criterion of the London Plan (2021) for a single occupant, this would require a floor area of a minimum of 37 square metres which Outbuilding A falls significantly below. Considering this, as well as my observations on site, where there was an absence of any living area provided with Outbuilding A, I consider poor living conditions to be provided by the development due to its cramped arrangement.
17. I therefore conclude that the developments provide unacceptable living conditions for occupants in regard to insufficient outdoor amenity space and insufficient internal floor space resulting in poor quality accommodation for occupants. The developments are therefore contrary to Policies CDH01 and CDH07 of the Barnet Local Plan (2025) and Policy D6 of the London Plan (2021). Amongst other things, these policies require development to provide adequate amenity space that is fit for purpose and access for both existing and future occupiers with minimal visual impact and with particular regard to avoiding unusable space.

Other Matters

18. I note the appellant's argument that the appeal outbuildings provide a more affordable accommodation compared to elsewhere in the borough. However, whilst this may be the case it does not outweigh the harm I have identified in regard to the main issues.

Conclusion and Recommendation

19. For the reasons set out, I conclude that the development in each appeal is contrary to the development plan and there are no other considerations which indicate planning permission should be granted in either case. Consequently, I recommend that Appeal A on ground (a) and Appeal B on ground (a) both fail and each of the deemed planning applications should be refused.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decisions

Appeal A

20. I have considered all the submitted evidence and my representative's report and on that basis Appeal A is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

21. I have considered all the submitted evidence and my representative's report and on that basis Appeal B is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

A M Nilsson

INSPECTOR