



Appeal Decision

Site visit made on 14 April 2026 by S Wilson LL.B. MSc MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2026

Appeal Ref: APP/N5090/C/24/3346504

Anchor Guest House, 10 West Heath Drive, London NW11 7QH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Yash Binani against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The notice was issued on 9 May 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a single storey rear extension connecting to an existing brick built rear extension and to an outbuilding to the rear, as edged in red in the attached photograph.
 - The requirements of the notice are to:
 - 1) Demolish the single storey rear extension.
 - 2) Permanently remove all constituent materials resulting from the works in 1) above from the property.
 - The period for compliance with the requirements is three months after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused in respect of the development on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published December 2024. Having regard to the main issues in this appeal, it has not been necessary to invite submissions from the parties on the revisions that have been made to the Framework. The decision is based on the current Framework.
4. The Council adopted the Barnet Local Plan 2021-2036 on 4 March 2025. This replaces the Barnet Local Plan Core Strategy 2012 and the Barnet Local Plan Development Management Policies 2012 such that the policies of those plans cited on the enforcement notice are no longer part of the development plan and have no weight. I have therefore considered the relevant policies within the Barnet Local Plan 2021-2036 as is required.

Reasons for the Recommendation

Ground (a) – Main Issues

5. These are the effect of the development on the character and appearance of the host building and the wider area, and the effect of the development on the living conditions of neighbouring occupiers with particular regard to outlook.

Character and Appearance

6. The appeal site comprises a hotel within a two-storey semi-detached building featuring a hipped roof with dormer and single-storey brick extensions to the rear. There is a generous outbuilding located at the rear of the appeal site.
7. The area is characterised by what appears to be residential two-storey semi-detached properties with a combination of painted render and brickwork front elevations. There is a considered and repeated use of form, materials, fenestration and roof forms, which makes a positive contribution to the character and appearance of the area. This includes the rear elevations, whose external rear walls are largely constructed in brickwork, with gardens to the rear and fences as boundaries, positively contributing to the residential character of the area.
8. The development subject of this appeal comprises a large, box like rear extension, constructed of uncharacteristic, low-quality materials. Its roof joins with the house and the rear outbuilding, creating a continuous single storey structure across the rear garden. Whilst there is a walkway around the built form with a undercover walkway between the extension and the outbuilding, the structure dominates the rear amenity space. The materials, size and scale of the dominant, disproportionate extension jar against the pleasant, considered design and character of the host building and the development is uncharacteristic of other rear elevations and rear amenity areas in the surrounding area.
9. I note that the Council refer to the extension not being ancillary. However, I have no evidence before me to support or refute that matter. Regardless this matter is not a determinative matter that would alter the outcome of my conclusion in finding harm to the character and appearance of the host building and the surrounding area.
10. An extension at 18 West Heath Drive has been brought to my attention in the evidence. However, I do not have any substantive detail before me to understand against what iteration of the development plan that development was considered, what the determinative issues were or if it even has a grant of permission at all. As such I afford it little weight in my consideration.
11. The development has a harmful effect on the character and appearance of the host building and the surrounding area. Accordingly, the development conflicts with Policy D3 of the London Plan (2021), Policies GSS01, CDH01, and HOU03 of the Barnet Local Plan 2021-2036 (the Local Plan), insofar as they seek high quality sustainable development that uses materials of a suitable quality and appearance; responds sensitively to the distinctive local character and design, building form, scale and massing; and does not have an unacceptable impact on the character and appearance of the host building and the surrounding area. The development also conflicts with the guidance within the Residential Design Guidance Supplementary Planning Document (2016) (the Design SPD) at paragraph 14.40, insofar as it seeks that back garden buildings should not be too large or significantly reduce the size of the garden to become out of character with the area.
12. The Council have cited Policy HC1 Of the London Plan 2021 and Policy DM06 of the Local Plan Development Management Policies DPD (2012) in the enforcement

notice. However, these Policies apply to heritage assets and the historic environment. There is no evidence before me to suggest that the development is within a Conservation Area, that the host building is a non-designated heritage asset or that the site would affect the setting of any heritage assets. I have therefore not assessed the appeal against these Policies.

Living Conditions

13. The rear extension, by virtue of its excessive scale and poor-quality materials, appears unduly dominant within the rear garden. From elevated views, it reads as a continuous form extending from the host building across the full length of the garden, resulting in a visually intrusive and uncharacteristic feature. Owing to its size, design and siting, the extension has an overbearing and oppressive effect on the rear garden and the host building, which in turn causes material harm to the outlook and amenity of neighbouring occupiers.
14. Accordingly, the development conflicts with Policy D3 of the London Plan (2021) and Policies GSS01, CDH01 and HOU03 of the Local Plan, insofar as they seek high quality sustainable development that provides a good standard of amenity for neighbouring occupiers. The development also conflicts with the guidance within the Design SPD and the Sustainable Design and Construction Supplementary Planning Document (2016), insofar as they seek development that does not unduly affect neighbouring outlook.

Other Matters

15. Whilst the development may have the potential to bring more economic growth from the successful growth of the Anchor Hotel, that benefit would not outweigh the harms I have identified above.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR