



## Appeal Decision

Inquiry held between 14-21 December 2022

Site visits made on 15 and 17 December 2022

**By C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2023

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**Appeal Ref: APP/N5090/W/22/3304952**

**679 High Road, London N12 0DA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Taylor Wimpey UK Ltd against London Borough of Barnet.
  - The application Ref 21/6788/FUL, is dated 24 December 2021.
  - The development proposed is described as the demolition of the existing building and redevelopment of the site to provide 250 residential units (Use Class C3) within 6 buildings ranging from 4 to 7 storeys, provision of new pedestrian route and access link, private amenity space, communal amenity and podium gardens, refuse storage, 63 car parking spaces and 457 cycle parking spaces, energy centre, substation building and other associated facilities.
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### Decision

1. The appeal is dismissed and planning permission is refused.

### Preliminary Matters

2. The appeal has been lodged in response to the Council's failure to issue its decision within the prescribed period.
3. Through the course of this appeal, the Council and appellant have reached common ground in respect to 2 of the 3 putative reasons for refusal cited concerning the proposed level of affordable housing provision and availability of an appropriate mechanism to secure other planning obligations considered necessary. From the evidence before me, there is no basis for me to dispute the revised stance of the Council on these 2 matters.
4. An engrossed legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 was submitted during the Inquiry. This contains planning obligations covering affordable housing delivery, local employment and training opportunities, travel planning and monitoring, town centre improvement contributions, necessary highway works and improvements, car club parking spaces, review and any necessary revision of the controlled parking zone, mitigation for the loss of street trees, the monitoring, verification and reporting of energy performance, carbon offsetting, mitigation for any television reception interference and planning obligation monitoring fees. Through the submitted Compliance Statement, it has been demonstrated that all of the obligations sought are reasonable and necessary to secure the mitigation required to make the appeal proposal acceptable. Overall, the legal agreement is compatible with all of the tests for planning obligations set out in

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Therefore, I have taken it into account in my assessment. The weight attached to these obligations is set out in the relevant parts of my Decision.

5. Unlike the Finchley Society, who is a main party to this appeal, the Council has not raised any effect on living conditions as a matter of concern for them. Nonetheless, based on the submitted evidence this is a main issue. The scope of the main issues for this appeal were agreed with the main parties and following the Inquiry have been refined to those set out later in my Decision.
6. During cross-examination, the Council conceded that its evidence does not demonstrate a deliverable five-year housing land supply and accordingly a Statement of Common Ground ("SoCG") between the Council and appellant confirming this has been accepted to this Inquiry. My assessment is made on that basis.
7. The documents set out in the attached Schedule are all those which were accepted during the course of the Inquiry. I am satisfied that in doing so, no one has been prejudiced, as these were directly relevant and necessary for my Decision and all parties were given the opportunity to comment on them as required. However, in the interests of fairness, I declined the submission of further written evidence from an interested party as that sought to introduce additional matters well after the publicised deadline for reasons which were not exceptional.
8. The emerging Local Plan has not yet reached a stage whereby the main parties have attached any material weight to it and, as I have no cause to disagree with that stance, the appeal is determined on the basis of that current context.
9. Within their evidence, all of the main parties have referred to and drawn comparisons between the particular scheme before me and that subject to a Decision (Ref: APP/N5090/W/21/3271077); the dismissal of a larger residential development on this site. That Decision recognises some positive aspects of that appeal scheme, the principles of which are reflected in the scheme before me. The scheme before me is materially different. However, I have had due regard to that previous Decision alongside others which have been drawn to my attention when making my own holistic assessment of the current scheme and in exercising the necessary planning balance.

### **Main Issues**

10. The main issues of this appeal are the effect of the appeal proposal on:
  - the character and appearance of the area, with particular regard to height, scale and massing; and
  - the living conditions of occupants of both existing neighbouring and proposed residential units, with particular regard to levels of privacy, outlook, daylight and sunlight.

### **Reasons**

#### *Character and appearance*

11. The appeal site comprises a vacant 'do it yourself' ("DIY") retail shed and associated car park whose main access is off High Road. Here, the appeal site

is flanked by the elevated 2 storey Finchley Mosque and a part 2 storey and part single storey tiling retail unit. The latter comprises a locally listed building and masks part of the site boundary onto Christchurch Avenue near the junction with High Road. The Grade II listed Christ Church is situated diagonally opposite the appeal site on the other side of High Road.

12. Whilst falling just beyond the defined North Finchley town centre boundary, the appeal site can be read with that centre, particularly upon approach along High Road. This is because of the visibility of its tallest buildings around the junction of A598 Ballards Lane and A1000 High Road as they extend above the heights of the surrounding buildings. This centre comprises an older urban fabric with a fine grain. Where it is characterised by its larger scale frontages, buildings tend to step down in height as one moves into the surrounding low-rise residential streets. This provides a transition which is a notable characteristic along High Road, one of the area's key gateway routes.
13. Dwellings along Rosemont Avenue, Woodberry Grove and Colman Court, a mid-rise flatted development at the junction between High Road and Christchurch Avenue, define the remaining immediate built context of the appeal site. Properties along these particular streets mainly comprise terraces and semi-detached houses with their small-scale domestic features including their stained glass, bay windows, feature gables and carved barge boards and gardens, fronting onto tree lined streets. These convey a mainly low-rise largely homogeneous residential area with strong suburban characteristics.
14. From my site visits, it is apparent that these streets convey greenery, openness and community; a significant contrast to the greater density, scale and informality of the nearby town centre. The town centre boundary coincides with back gardens in Rosemont Avenue, which is the point where I observed a strong sense of change in character between these more commercial and predominantly residential parts of North Finchley.
15. Significantly, the existing larger scale post-war developments along High Road and Colman Court at the east end of Christchurch Avenue, do not dilute the overriding low-rise residential credentials of the majority of the appeal site's existing context. Depending upon the direction of travel, the taller urban developments in the town centre are visible from parts of this network of residential streets. However, I concur with Inspector Jackson's earlier findings that their presence does not form a significant part of, or contribute in any appreciable way, to the overriding low-rise, suburban character in this part of North Finchley.
16. The existing building occupying the appeal site does not provide any meaningful active frontage to its surrounding streets. Despite its commercial character and appearance, its unremarkable and simple design, in combination with its layout, positioning, height, scale and massing causes it to have a rather subdued presence within its immediate context. This means that it does not unduly visually compete with that context and respects the sense of space and openness between and above opposing buildings in this part of North Finchley.
17. All of these characteristics are very much the important positive influences which define the prevailing suburban character and appearance of the appeal site's immediate and wider homogeneous residential context. Visually, this

- heightens the site's immediate environs sensitivity to change, particularly where building heights, scale and massing are concerned.
18. The appeal proposal comprises a series of 6 apartment blocks ranging between 4 and 7 stories in height. As such, it falls just below the threshold of the definition of a 'tall building' for the purposes of the London Plan and the Council's Tall Buildings Study Update. Although the resulting blocks are not strictly 'tall buildings' in local policy terms and will not unduly compete with those in the town centre, it is a development that will be significantly taller and of a much larger scale than the properties in its immediate visual sphere of influence.
  19. Change to the visible built form is not necessarily harmful. My attention has been drawn to Inspector Jackson's view that the previously proposed 4, 5 and 6 storey blocks facing High Road, Woodberry Grove and Rosemont Avenue would be significantly more sympathetic in scale to the surroundings. As well as continuing the incorporation of gable ends, brickwork treatment and active street frontages in Blocks A, F and G, the appellant has made reductions in building heights in light of that previous finding as well as including design references regarding the historic use of the site and numerous other design measures highlighted in their design evidence.
  20. I do not dispute that these elements, and in particular the proposed recessive materials and incorporation of 'shoulders' to achieve a set back of the topmost floors of the tallest buildings, will lessen the visual effect of the proposed building heights and scale when appreciated from street level along Woodberry Grove and the eastern end of Christchurch Avenue. I also recognise that the proposal to incorporate more active residential frontages will make some positive contributions to the character and appearance of the bounding streets to varying degrees.
  21. Nonetheless, when viewed from Rosemont Avenue and also medium and longer distance vantage points along High Road, Christchurch Avenue and Ballards Lane, the full extent of this particular appeal proposal's overall height and consequential substantial scale above its neighbours will be very obvious and somewhat looming.
  22. When viewed in their totality, the proposed building heights fail to respect the area's characteristic stepping down of building heights as one moves away from the High Road frontage. The proposed varied roof heights and designs seek to provide a dynamic roofscape and layered skyline. However, this is a substantially different approach to the rhythm and scale of the prevailing surrounding roofscape and is not an adequate distraction from the appeal scheme's overall domineering presence.
  23. I acknowledge the potential redevelopment of the tile retail unit and changes in ground levels between Rosemont Avenue and Christchurch Avenue have both influenced the proposed design solution. However, the lower level of Christchurch Avenue and the proposed access road, pursuit of a podium design solution, combined with the heights and massing of the proposed buildings has exacerbated the overwhelming effect and starkness of the appeal proposal along a significant stretch of that street.
  24. Moreover, although set against the tall buildings of the town centre, the height of the appeal proposal coupled with the podium walling and the limited distance

- between the proposed apartment blocks will mean that pedestrians walking along Christchurch Avenue will have limited opportunity to appreciate the relationship between the appeal scheme and those taller buildings in the town centre.
25. The tallest parts of the appeal proposal will be directly visible from the facing windows and rear gardens of properties on Rosemont Avenue. The overall heights of proposed Blocks B,C and D will significantly overwhelm the existing scale and grain of Rosemont Avenue despite the proposed separation distances, setback of uppermost floors and use of materials. Crucially, from this street these taller elements of the appeal scheme will not be experienced in the context of the tall buildings in the town centre, thus causing a substantial negative change of character to that street's existing relatively unfettered skyline backdrop when looking towards the appeal site.
  26. Overall, there will be limited space between Blocks A-E relative to their respective heights and spans and minimal visual relief from the podium gardens along Christchurch Avenue. These aspects exacerbate the appeal proposal's overly domineering and imposing character and appearance relative to its immediate low to mid-rise sub-urban residential context, and in particular as experienced from Christchurch Avenue and Rosemont Avenue.
  27. I concur that the appeal proposal will ensure that the gateway to the town centre will be appropriately marked along High Road by the frontage of Block A. However, from the evidence before me and my site visit, I am not persuaded that this requires or justifies a similar or greater height further into the site. The Council has not advanced that there is some imperative to replicate the height and scale of the surrounding residential streets. What is critical here is the transition in scale between the existing and proposed built fabric and the surrounding street's capacity to comfortably accommodate what is proposed.
  28. In this particular case it is clear to me that there will remain sudden, substantial differentials in height between existing and proposed buildings. The abruptness of this is particularly evident in respect to the interface between Blocks B, C, D and E and Christchurch Avenue, when experienced from within that street and from the vicinity of its junctions with High Road and Woodberry Grove. This effect will to a lesser degree also extend to views of Block E from Woodberry Grove.
  29. In combination, the proposed building heights, scale, massing and very limited visual relief from the proposed surrounding communal spaces mean that, with the exception of Blocks F and G and the High Road frontage of Block A, the appeal proposal will present as a relentless and overly domineering group of buildings which does not sufficiently respond to the prevailing scale and grain of the appeal site's immediate surroundings.
  30. Successful integration of new development as a whole into a site's existing context through sympathetic treatment is critical to achieving good design. Crucially, this particular appeal proposal does not sufficiently recognise and respond positively to the hierarchy of building heights that defines its predominant immediate homogeneous residential context within which it would, if permitted, be experienced.

31. Despite the appellant's attempts to address Inspector Jackson's previous concerns, the scheme before me does not adequately address or offset its overly domineering visual impact. This is driven by the appellant's appreciation and approach to height and massing relative to the appeal scheme's immediate context which maximises rather than optimises the use of the site. In doing so, this particular scheme fails to adequately respond to or positively contribute to the important distinctive components of the prevailing character and appearance of this part of North Finchley. Being both abrupt and insensitive, the visual transition proposed between the appeal scheme and its surroundings is uncomfortable and therefore inadequate. However, it is not within my scope to devise a hypothetical scheme to indicate an appropriate tipping point.
32. For all of these reasons, this particular design solution falls short of adequately responding to the important distinctive features which positively characterise this particular neighbourhood, and which the London Plan confirms can, amongst other things, include building heights.
33. Although paragraph 130 of the Framework does recognise that innovation or change (such as increased densities) should not be prevented or discouraged, that is on the premise that proposals are sympathetic to local character and history. In view of the deficiencies that I have identified, the current appeal scheme does not represent optimisation of the appeal site's capacity in the design-led manner required by the London Plan. Consequently, such change will not be successfully accommodated within this part of North Finchley.
34. Paragraph 126 of the National Planning Policy Framework ("the Framework") states that good design is a key aspect of sustainable development, creates better places and helps make development acceptable to communities. The Framework also states that decisions should ensure that developments add to overall quality of the area, are visually attractive as a result of good architecture and are sympathetic to local character, including amongst other things, the surrounding built environment.
35. The National Design Guide ("the NDG") advises that a well-designed place comes about through making the right choices at all levels, including the form and scale of buildings. Amongst other things it advises that is to be based on an understanding of the existing situation, including patterns of built form as well as the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development. In view of my findings, the scheme before me does not go far enough to meet these important criteria which support the Framework in securing well-designed development.
36. Inspector Jackson previously found that the harmful effects of the particular appeal scheme before him caused him to find that scheme was 'a step too far'. I concur with him that change for this site is inevitable and that is something which has not been disputed by the main parties. In taking a holistic approach to my assessment, I find that the scheme's positive design aspects do not outweigh its significant shortcomings which are driven by its height, scale and massing. In short, the scheme before me has not gone far enough to strike an acceptable balance between its competing constraints to secure an appropriate design solution which successfully delivers the optimum redevelopment of the appeal site.

37. Crucially, this indicates to me that when taking proper account of the site's context it is not a well-designed scheme. Significantly, paragraph 134 of the Framework is explicit that development that is not well-designed should be refused.
38. For the reasons given, I conclude that overall, the appeal proposal will cause serious harm to the character and appearance of the area, with particular regard to its height, scale and massing.
39. Policy H2 of the London Plan (2021) seeks to optimise the potential for well-designed new homes on previously developed sites to significantly increase the contribution of small sites to meeting London's housing needs. It requires the London Boroughs to recognise in their development plans that local character evolves over time and will need to change in appropriate locations to accommodate housing on small sites.
40. Significantly, Policy D3 of that Plan confirms that such optimisation is to be secured through a design-led approach whilst enhancing local context. This is to be achieved by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Amongst other things it also requires the proposal to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
41. This collective policy approach clearly articulates the importance of the site's context. It also aligns with the objectives for good design set out in the NDG. However, in view of the harm that I have identified, the appeal scheme does not represent site optimisation as expected by the London Plan and as such conflicts with Policy D3 and as such, is not supported by Policy H2 of that plan.
42. Policy CS5 of the adopted Barnet Local Plan Core Strategy Development Plan Document (2012), ("the Core Strategy") seeks to protect and enhance Barnet's character to create high quality places. Amongst things, this policy seeks to ensure that development respects local context and distinctive local character, creating places and buildings of high-quality design, as well as ensuring developments are attractive and enhance the Borough's high-quality suburbs through the provision of buildings of the highest quality that are sustainable.
43. This policy approach is supported by the Barnet Characterisation Study which forms the baseline for the identification of places with a consistent and coherent architectural character. My own assessment broadly reflects its findings and no significant changes since its base date which are relevant to this appeal site have been demonstrated. In view of the harm that I have identified, the appeal scheme conflicts with Policy CS5.
44. Policy DM01 of the adopted Barnet Local Plan Development Management Policies Development Plan Document (2012), ("the DMPDPD") seeks to protect Barnet's character and amenity. It states that all development should represent high quality design. Furthermore, development proposals should be based on an understanding of local characteristics and should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, and make a positive contribution to

the surrounding area amongst other things. In view of the harm that I have identified, overall, the appeal proposal conflicts with this policy.

*Living conditions*

45. From the evidence which has been provided by both the appellant and opposing interested parties and my observations during my site visits, it is evident that a reduction in sunlight and daylight, particularly in winter, will be experienced by occupiers of properties in Rosemont Avenue and some of the occupants of the proposed units. This is due to the combination of the orientation, heights and separation distances proposed.
46. Furthermore, in terms of outlook and privacy a significant number opposing existing and proposed residential properties will face one another across a distance which is less than the Council's minimum. The impact of this will be compounded by the proposed building heights involved, the incorporation of balconies and the fact that a significant number of the proposed flats will be single aspect. Consequently, many of the proposed units will only have a view of windows serving other proposed units or the walling between. Furthermore, the rear elevations and private gardens of Nos 1-27 (odds) Rosemont Avenue and to a much lesser extent the frontages of Colman Court onto Christchurch Avenue, Woodberry Grove and Nos 34-40 (evens) Rosemont Avenue will be presented with new facing windows and in some instances balconies at a much higher level to them, albeit that these are public facing frontages with lesser existing levels of privacy.
47. I recognise that the Council's adopted separation distances have been superseded by the London Plan's design led approach to new development which does not specify distances. Nonetheless, there will be a significant number of incidences where a poor level of outlook and a clear perception of undue surveillance will result, particularly across and down from the uppermost floors of the proposed units. Albeit it will be an environment which the appeal scheme's occupant's will have chosen to live in, this will be a poor outcome in terms of living conditions for a significant number of occupants of both existing and proposed properties.
48. I recognise that if the site is to be optimised and an effective use of land secured, consequences on existing levels of light, outlook and privacy for some occupants are inevitable. Furthermore, there is no policy requirement which requires 100% compliance with the BRE Guidelines in respect to daylight and sunlight. However, it remains that the impact of this particular scheme will be significant for those occupants living conditions, not least because of the proposed building heights and positioning of balconies. This reaffirms my stance that the height and consequential scale of the scheme before me is not an appropriate design solution for this particular existing built context.
49. Despite the common ground between the Council and appellant on this matter, I conclude that this particular appeal proposal will cause variable harm, which at most will be moderate in effect, to the living conditions of a significant number of the occupants of existing and proposed directly opposing properties, with particular regard to sunlight, outlook and privacy.
50. Policy DM01 of the DMPDPD seeks to protect Barnet's amenity, which extends to living conditions. It states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and



potential occupiers. In view of the harm that I have identified, the appeal proposal conflicts with this policy.

### **Other Matters**

51. The submitted legal agreement contains planning obligations to secure local travel planning and monitoring, necessary highway works and improvements, car club parking spaces, review and where necessary revision of the controlled parking zone, mitigation for the loss of street trees, the monitoring, verification and reporting of energy performance, carbon offsetting, mitigation for any television reception interference and planning obligation monitoring fees. As necessary mitigation measures to secure policy compliance these are of neutral consequence in my assessment.
52. The submitted evidence demonstrates that the appeal proposal is capable of securing the provision of 250 units and will make a notable contribution to the Borough's housing land supply and delivery in the short to medium term. As a consequence of the Council's concession on 'Category B' sites, I note that the Council has agreed that it has not demonstrated a deliverable supply at or above 5-years for the purpose of this appeal. In these circumstances this contribution is a very significant benefit.
53. Through the submitted legal agreement the appeal proposal will secure the delivery of 32 affordable units. At 15% this is below the current minimum policy target of 35% set out in Policy H5 of the London Plan. However, the appellant has provided viability evidence to support this level of contribution which the Council has accepted. In the absence of any evidence to the contrary, I have no cause to dispute that this common ground is justified. Furthermore, I am satisfied that the legal agreement provides a review mechanism should site viability change in the meantime. The appellant's approach to affordable housing delivery accords with the inbuilt flexibility of the London Plan where viability constraints are demonstrated. This provision is a very significant benefit of the appeal scheme in the face of the overall shortfall in the 5-year supply of housing.
54. It has been demonstrated that the appeal scheme will also provide significant economic benefits, including local training and employment opportunities through the submitted legal agreement.
55. From the evidence before me, I find that the appeal scheme will provide moderate community benefits from the provision of a publicly accessible pedestrian link through the site which connects to the surrounding footpath network and also through the availability of the proposed amenity and play space.
56. As the appeal scheme will provide environmental standards greater than those required by Policy SI2 of the London Plan, this represents a moderate benefit.
57. The legal agreement will secure a financial contribution to physical improvements in the town centre as part of the implementation of the North Finchley Town Centre Framework Supplementary Planning Document. The appeal scheme also offers scope to secure the redevelopment of a previously developed site, in a location which is capable of supporting new housing provision. The redevelopment of this site in a sympathetic manner would be a significant benefit. However, in this case I have identified harm which

compromises the level of benefit that will be attained. There is no evidence before me to indicate that the appeal proposal is the only redevelopment option for this site. Neither is there evidence to indicate that the appeal site is posing significant environmental harm in its current state or cannot be repurposed. As such, its regeneration through this scheme and the associated improvements to the town centre are no more than moderate benefits.

58. No evidence has been presented to this appeal which substantiates that the appeal proposal will cause harm to the significance of the designated heritage assets situated in the locality or their setting. From my site visit, I agree with the common ground on that matter between the Council and appellants.
59. The appeal proposal will be viewed within the context of the neighbouring locally listed non-designated tile retail outlet. However, as my concerns are not centred around Block A, which falls within that asset's immediate context, overall, the harm to that asset is very low and is outweighed by the public benefits which I have identified.
60. In view of the harm that I have found to the living conditions of some of the prospective residents, I do not accept the appellants' stance that the standard of accommodation is a benefit in its own right. Due to my findings on character and appearance, I do not accept that the appearance of the proposal is a benefit of the scheme. As the accessibility credentials of a development are basic policy requirements of any development, I do not accept that those pertaining to the site are a benefit of this scheme which attract any material weight.

### **Planning Balance**

61. In view of the harm that I have identified and the resulting policy conflicts, this particular appeal proposal does not accord with the development plan for the area when taken as a whole.
62. Having regard to paragraph 11d(i) of the Framework the application of policies in that document that protect areas or assets of particular importance do not provide a clear reason for refusing this development proposal.
63. The circumstances surrounding the Council's deliverable housing land supply lead me to conclude that the contribution that the appeal proposal will make to the Borough's housing land supply and delivery of homes in the short to medium term weighs very heavily in favour of the appeal proposal. The contribution of affordable homes at the level proposed also weighs very heavily in favour of the appeal proposal. Collectively, the economic benefits which will be secured weigh heavily in favour of the appeal proposal. Furthermore, the new pedestrian link, amenity and play space, proposed environmental standards, overall regeneration of the appeal site and the contribution to town centre improvements are benefits which each weigh moderately in favour of the appeal proposal.
64. The level of harm to a non-designated heritage asset is outweighed by the identified public benefits and hence weighs nominally against the appeal proposal in the planning balance.
65. However, I have found that the appeal proposal will cause serious harm to the character and appearance of the area and variable levels of harm to the living conditions of a significant number of occupants of the appeal scheme itself and

existing neighbouring homes. All of these harms will endure for the lifetime of the development proposed. They are symptomatic of the deficiencies in the scheme's design response which prevents it from successfully integrating with its own particular immediate context.

66. As such, the appeal proposal falls short of being well-designed. Paragraph 134 of the Framework leaves me in no doubt that development which is not well-designed should be refused. There are no other policies within the Framework that provide a clear reason for refusing the appeal proposal. Nonetheless, as a critical means of securing sustainable development, this significant conflict with the Framework and the clear direction paragraph 134 gives me attracts the greatest level of weight.
67. Overall, in the context of paragraph 11d(ii) of the Framework, I find that the adverse impacts of granting planning permission in this particular instance significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
68. Therefore, even when taking account of the appellant's worst case housing land supply position and all of the benefits of the scheme, there is no justified basis to allow this particular appeal proposal contrary to the development plan when taken as a whole.

### **Conclusion**

69. For the reasons given above, I conclude that the appeal should be dismissed, and planning permission be refused.

*C Dillon*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mr C Banner                      Kings Counsel

He called:

Mr S Bacon                      TP Bennett  
Mr J Murch                      Davies Murch  
Mr D Myers                      Squire, Patton, Boggs

### FOR THE LOCAL PLANNING AUTHORITY:

Mr E Grant                      Of Counsel

He called:

Mr P Hughes                    PDH Chartered Town Planners  
Mr J McClean                   Council of the London Borough of Barnet  
Mr N Lynch                      Council of the London Borough of Barnet  
Ms M Rajaratnam               Council of the London Borough of Barnet

### FOR THE FINCHLEY SOCIETY:

Mr J Borinsky  
Ms M Hogben

### INTERESTED PARTIES:

Mr S Aleck                      Local resident  
Mr O'Donoghugh               Local resident

## **INQUIRY DOCUMENTS**

ID 1                              Mr P Hughes Qualifications  
ID 2                              Appellant Opening Statement  
ID 3                              Council Opening Statement  
ID 4                              Rule 6 Opening Statement  
ID 5                              Walking Site Visit Route  
ID 6                              Building Heights  
ID 7                              Statement of Common Ground (Housing Land Supply)  
ID 8                              Trees and section 278 correspondence  
ID 9                              Council Closing Statement  
ID 10                             Rule 6 Closing Statement  
ID 11                             Appellant Closing Statement.