Planning Inspectorate

Appeal Decision

Site visit made on 25 June 2026

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026

Appeal Ref: 6007296
Land opposite 15 Sunset View, Barnet EN5 4LB

- 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 Christchurch Grove Ltd against the decision of the Council of the London Borough of Barnet.
- The application Ref is 26/0116/FUL.
- The development proposed is demolition of garage and erection of detached house.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time that the Council made its decision the woodland at the appeal site was subject to a provisional Tree Preservation Order (TPO)[1]. This was confirmed on 21 April 2026, and I shall proceed to determine the appeal on this basis.

Main Issues

3. The main issues are:

a) The effect of the proposal upon the character and appearance of the area, with particular regard to whether it would preserve or enhance the character or appearance of the Monken Hadley Conservation Area (MHCA) and its effect on the woodland TPO that covers the site, and

b) Whether the proposal would have a harmful impact on a priority habitat or protected species.

Reasons

Character and appearance

4. The appeal site is located within the MHCA. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

5. The MHCA covers large areas of open land and woodland. The MHCA Character Appraisal Statement 2007 (CAS) states that the whole area was historically rural, and that trees and woodland are an integral part of the landscape. Native species are noted as vestiges of the past. Most of the designated area is not densely developed. The low

[1] Council Ref: 26/TPO/001

density of development, which includes many buildings that are of historic interest, the expansive areas of open space, and significant tree cover point to the area's origins as a rural settlement and are characteristics that contribute to the character and appearance of the MHCA.

6. The appeal site is densely wooded. It is experienced adjacent to the developed and ordered appearance of Sunset View and Hadley Grove. The dwellings that line these streets date from the early 20th century and are in Edwardian or Arts and Crafts styles.

7. The eastern part of the appeal site was previously used as rear gardens and for this reason most of the trees that grow in this area are younger. The larger and older trees grow along the western side of the site, however this difference is not obvious from surrounding vantage points, where the site presents itself as an attractive and naturally growing woodland block. From Sunset View and the adjacent stretch of Christchurch Lane it is possible to look into the woodland, where there is no suggestion of development beyond. Similarly, from the junction of Hadley Grove and Christchurch Lane the woodland can be seen behind the houses that front Hadley Grove, where it forms an attractive backdrop and relates positively to the trees that grow in the rear gardens of these dwellings.

8. The sense of depth and scale that the woodland currently possesses is of considerable value. Its significance and value is derived from its appearance as a woodland and is not limited to the higher value individual trees that grow along its western edge. It provides a characterful wooded setting to the adjacent development and ties these roads into the wider landscape character of the MHCA rather than the less distinctive expanse of suburban development to the south.

9. Owing to the extent of tree cover the site does not lend itself to the proposed development. The proposal would see many trees felled to provide an open area for the dwelling to be erected. The loss would occur in the least prominent part of the site, however thinning out the woodland in this manner would reduce its depth when viewed from the west. The plans suggest that the western half of the site would be broadly left as it is, and this is alluded to in the images that were submitted with the appellant's final comments. However, it is inevitable that once it becomes residential curtilage it would develop a managed appearance, particularly at a lower level. This would make the site much more open and provide for clear views into the woodland area and across to the proposed dwelling. This would increase during the winter months when the trees are not in leaf, and during the evening when lighting would increase the dwelling's prominence. Thus, the natural and wild appearance of the woodland, including a sense of its depth, would be significantly eroded by the proposal.

10. Existing dwellings in the area occupy typical arrangements whereby they are generally positioned to front a road in a conventional manner. The proposed dwelling would be set back from the road but would be visible through the thinned woodland. As a result, its position would be wholly at odds with this established pattern of development in the area, as it would fail to hold a proper relationship with any of the surrounding streets and would appear heavily constrained by the surrounding trees. Although mature trees are a notable feature of the area and many grow within nearby gardens, they do not crowd or overwhelm development in the way that the retained trees around the proposed dwelling would.

11. This impact would be exacerbated by the proposed design. Formal facades that are suggested to respond to traditional arts and crafts detailing would present the building

in a way that should be seen from the fronting road and warrants a spacious setting; instead, the proposed dwelling would appear heavily constrained and hemmed in by the surrounding trees. Unlike existing dwellings within the area, the proposed dwelling would appear to sit within an overgrown garden without a clear visual and spatial connection to the road or the sense of grandeur that many dwellings in the area possess.

12. It follows that the land around the proposed dwelling and the dwelling itself would be heavily constrained by the surrounding trees. The area of the proposed site that would be laid out as usable garden would be modest for such a large dwelling. A reasonably clear area would be provided to the south, but it would be shaded by retained trees along the southern edge. The aspect to the west would be more significantly affected as the gap between the western elevation of the proposed dwelling and the retained trees would be much more modest.

13. Thus, the impacts arising from shading and the everyday nuisances associated with living close to mature trees would be considerable for future occupants of the dwelling. These impacts would be more pronounced during the winter months when the sun would be lower in the sky, and the dwelling would be significantly shaded by surrounding vegetation. No design measures appear to have been adopted to address this. Consequently, it is highly likely that future occupants of the proposed dwelling would seek to improve the environment by lodging applications to carry out tree reduction or removal in the future. Given the poor relationship between mature trees and built form that would be established by the proposal, the Council may have difficulty resisting such applications. Consequently, it is likely that the extent of retained woodland would be further eroded in the future.

14. A hedge is proposed around the site perimeter to enclose the wider curtilage for the privacy and security of the future occupants of the dwelling. A modest mixed species hedge would be visually appropriate and would not significantly impact upon the natural appearance of the woodland. It is however highly doubtful that it would be possible to plant and successfully establish a continuous hedge in this location given the number of trees that would be retained around the edges of the site and their scale. Preparing the ground to take hedge plants in areas that would be occupied by significant tree roots would make be very difficult, and it is doubtful that a hedge would establish in the proposed location for the entire site boundary owing to the significant shading impacts of the existing trees. Consequently, it may become necessary to enclose the site boundary by alternative means in the future once it is developed, which could have a considerable adverse impact on the character and appearance of this part of the MHCA.

15. The Council is concerned about the scale of the building. I agree that its footprint is excessive when compared with the area occupied by nearby dwellings. However, the widths of its main elevations would be comparable to the wide front elevations of the dwellings that face Sunset View, and projecting gables on its north and west facades would serve to break up its massing. Thus, whilst its siting would be wholly at odds with the established pattern of development in the area, it would otherwise not appear over scaled.

16. I have found that the proposal would harm the character and appearance of the MHCA. In terms of the National Planning Policy Framework (Framework) the harm to the MHCA would be less than substantial. The extent of harm would be of a medium level as although the proposal would have a considerable impact on this part of the

MHCA, its impact to the MHCA as a whole would be less, given its overall scale. Nevertheless, the harm still attracts considerable importance and weight, and Paragraph 215 of the Framework establish that any harm should be weighed against the public benefits of the proposal.

17. The proposal would deliver a new dwelling. Paragraph 73 of the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. In the context of the Government's objective to significantly boost the supply of homes this is a matter that weighs in favour of the proposal. There would also be a modest economic benefit from the construction work and as future occupants make use of services and facilities in the area. The weight I give this can however only be modest as the proposal would only deliver a single dwelling.

18. It is suggested that the proposal presents an opportunity to address years of neglect at the site and that this is the only viable way that the site can be managed. I accept that the site has not been maintained for a long period, however the primary issue that needs to be addressed is the removal of the cherry laurel, which is an invasive species. At my visit I observed that cherry laurel is not a dominating component of the woodland and does not form an extensive or dense understorey. A planned approach to its long-term removal would be necessary, but it would not be particularly difficult or costly. Developing the site for the proposed dwelling creates the incentive to address this, with obligations that could be secured through the grant of planning permission. However, although I do not dispute that the site has remained unmaintained for decades, the presence of an invasive species is now known and there is nothing to prevent it being addressed independent of the site's development. I therefore give this matter little weight.

19. The proposal would secure the removal of the existing garage. I accept that this is not an attractive structure, however it is difficult to view in the context of the dense surrounding woodland, and it is positioned away from the road. For these reasons it does not therefore harm the character or appearance of the MHCA, and its removal should not therefore weigh in favour of the proposal.

20. It is suggested that fly tipping and unauthorised access to the woodland would be addressed by the site's development, and that this should weigh in favour of the proposal. Instances of both appear to be minor, and no substantive evidence is provided to suggest either are significantly problematic. I therefore give this little weight.

21. The public benefits attract modest weight. I am required by the Framework to give great weight to the conservation of heritage assets. The public benefits would not be sufficient to outweigh the heritage harm.

22. In summary, the development of the site would have a harmful impact on the character and appearance of the area, which includes the protected woodland, and would fail to preserve the character or appearance of the MHCA. It would be contrary to Policy D3 of The London Plan 2021 (TLP), and Policies CDH01, CDH07 and CDH08 of the Barnet Local Plan 2021-2036 (BLP). Together these seek to ensure that development proposals enhance local context, are of a high quality of design that is sympathetic to local character, and that heritage assets are conserved.

23. In its decision the Council also referred to Policies D1 and D4 of TLP. Policy D1 does not appear to be relevant, as it relates to area assessments and development plan preparation rather than the assessment of a planning application. Policy D4 relates

to masterplans, design codes, design review panels and securing design quality post decision. None of these matters are relevant to the determination of the appeal.

Ecology

24. The parties disagree over how the existing woodland should be classified. The Defra MAGIC map designates a strip of land along the western and northern edges of the site as lowland mixed deciduous woodland (LMDW). The submitted biodiversity net gain assessment[2] (BNG Assessment) suggests that this is best described as lines of trees rather than a LMDW parcel. The rationale for this is not clear from the submissions. Although they are linear, the LMDW areas identified on the Defra MAGIC map represent long standing linear woodland features.

25. Subsequently, the rest of the appeal site has been left to develop into woodland. Contrary to the BNG Assessment, the Arboricultural Report[3] refers to the woodland area beyond that identified on the Defra MAGIC map as LMDW, with a reference to suggest that it is also classified as this by the project ecologist. It is accepted that the rest of the site area is not an historic woodland as it is largely derived from lapsed garden areas that have been left unmanaged, with remnant boundary features and boundary planting still identifiable. The BNG Assessment identifies a range of native broadleaved species within the area. It suggests that the woodland is dominated by common ash and holly, with frequent field maple and hazel. Yew is also identified as a frequent component of the woodland.

26. The BNG Assessment advises that the canopy and understorey are dominated by cherry laurel. In contrast, the Arboricultural Report only mentions laurel as a component of the understorey in groups G1 and G14. This accords with my observation on site, and there is nothing further before me to convince me that cherry laurel is a dominating feature of the woodland. Indeed, at my visit I could see that laurel was present, and in some cases a canopy component; but it was not obvious that it should be correctly viewed as a dominating component of both the canopy and understorey of the woodland.

27. The Natural England definition of priority habitat deciduous woodland, which includes LMDW, is included in the Council's tree consultee comments. This states that it can include woodland of ancient or recent origin and can be either semi-natural arising from natural regeneration or planted. In this case, the western and northern edges of the site area are historic and are semi-natural. The rest of the site area is of much more recent origin and includes planted areas. Although it is not of the same ecological value as the north and west edges of the site it includes similar characteristics to those areas; and, based on the Natural England definition, characteristics of age and the way it has developed should not discount it from being included within the LMDW definition.

28. A small number of non-native conifers are present. The public use of the site is referenced in the submissions as a degrading factor of the woodland, although at my visit I saw that public access was difficult and limited, and not formalised in anyway. A small amount of rubbish was present within the woodland, but this was not an overriding or problematic characteristic.

[2] Brown & Co Biodiversity Net Gain Assessment December 2025 Document Reference: BCEnv.25.0032.AP062755
[3] Arboricultural Report: Arboricultural Impact Assessment and Arboricultural Method Statement January 2026

29. The UK Biodiversity Action Plan: Priority Habitat Description for LMDW includes a series of characteristics that could be present in such areas, but it is not a definitive list or set of clearly prescribed criteria that a woodland must adhere to for it to be classed as LMDW. For example, although the description suggests that there is often evidence of past coppicing it does not suggest that this is essential for a woodland to be classed as LMDW. There is great variety in the species composition of the canopy layer of the woodland. It is suggested that oak is only a peripheral tree, but it is present in significant numbers, and the canopies of the larger oaks that grow towards the western side of the site extend significantly into the canopy area of the woodland. The evidence therefore leads me to conclude that the woodland across the area of the appeal site should be considered as LMDW.

30. It is suggested that an oak and ash that grow towards the western side of the site should be classed as veteran trees. The ash is in a severe state of decline, with no growth on its main stem. However, at my visit I saw considerable growth forming a canopy on a secondary stem, and I cannot therefore agree with the appellant that it showed no viable growth.

31. Both are recorded on the Ancient Tree Inventory (ATI), which is a public forum where anyone can add trees. There is no evidence to suggest that trees added are independently verified. One of the ways such trees are assessed is their size, which includes a measurement taken at 1.5 metres above ground level. The stems of both trees are surrounded by significant ivy growth, with numerous stems of a considerable diameter, that would notably increase the measurement of their circumference. There is no evidence to suggest that the ivy was accounted for in the submitted measurements, and the ash was measured at a lower level. Evidence submitted suggests that for an oak to be classed as veteran it should have a stem diameter of over 4.5 metres and for an ash this should be over 3.75 metres. The ATI records the stem diameter of the ash as 3.57 metres and the stem diameter of the oak as 4.40 metres. When added to the significant ivy growth around both trees, they would both fall clearly short of the suggested size to reach veteran status.

32. Beyond an assessment of diameter, for a tree to be classed as veteran it also needs to have other characteristics that show that it has passed beyond maturity and is old, or aged, in comparison with other trees of the same species. It could be that the living canopy of such a tree is small, and it may have a wide hollow trunk. The oak does not appear to display these characteristics. Based on this and its size I am not satisfied that it should be regarded as a veteran.

33. The main stem of the ash is a standing hollow stump so does therefore display these characteristics, and the standing advice from Natural England and the Forestry Commission states that a veteran tree is not necessarily very old but should display significant decay features. In this case, although the ash is below the suggested size, this is not the only relevant matter; its physical characteristics also need to be considered. The ash has the appearance and form of a tree that has passed beyond maturity and is old or aged in comparison with other ash trees. For these reasons it should be viewed as a veteran tree.

34. The proposal would result in the loss of a considerable portion of the woodland in the southeast quarter of the site. There would also be an associated impact on the remaining woodland area as its use would change to domestic curtilage. The area would be regularly disturbed as a result, and any future management measures would conflict with the pressures from future occupants as they seek to manage the wider

garden area for their day-to-day enjoyment. This is likely to include a desire to keep understorey vegetation at bay and increase levels of daylight that reach the garden and dwelling, as well as managing other tree related impacts that arise from living close to mature trees. Additional impacts would arise from the formation of the main driveway, footpath and service trenches. Although the identified veteran ash would be retained and is not close to the site of the proposed dwelling, its environment would be significantly impacted by the proposal for these reasons.

35. The submitted Preliminary Ecological Appraisal[4] (PEA) refers to the garage building as very well sealed and considered to have negligible roosting potential for bats, whereas the Council refers to a missing section of the garage, which give it potential roosting features which should be explored through emergence surveys. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (The Regulations) requires a competent authority to have regard to the requirements of the associated Directive so far as it may be affected by the exercise of its functions. This includes any proposal that might lead to the deterioration or destruction of the breeding sites and resting places of European Protected Species under Article 12(1). This includes bats and the places that they roost, irrespective of whether or not they are present at the time the development is carried out.

36. At my visit I could not see the reported missing section of the garage, and I observed the garage to be a well sealed structure. On this basis I am satisfied that the PEA is sufficiently robust in this regard, and that further emergence surveys are not necessary to satisfy The Regulations.

37. In summary, although further emergence surveys are not necessary, the baseline conditions of the site, with reference to the assessment of the value of the woodland and the presence of a veteran tree, have not been accurately assessed, resulting in an unreliable biodiversity net gain calculation. As a result, the proposal fails to demonstrate that it would not have a harmful effect on a priority habitat and is contrary to Policies G6 and G7 of TLP and Policies CDH07, ECC07 and CDH08 of the BLP. Together these seek to ensure that trees and woodlands are protected and maintained, and that biodiversity net gain is secured.

Other Matters

38. The appeal site is adjacent to the listed building known as Pymlicoe House[5]. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The listed building faces away from the appeal site and is surrounded by mature trees. The proposed development would not alter its setting in a way that would harm its significance.

39. The appeal site is also adjacent to the protected battlefield for the Battle of Barnet[6]. It is however enclosed by development to three sides and there is no evidence before me to suggest that the proposal would harm the significance of this heritage asset. Thus, the effect of the proposal on the significance of these assets does not need to form a main issue of the appeal.

[4] Brown & Co Preliminary Ecological Appraisal December 2025 Document Reference: BCEnv.25.0032.AP062755
[5] List Entry Number: 1078826
[6] List Entry Number: 1000001

40. Part of the site is owned by the Council. Section 233 of the Town and Country Planning Act 1990 (as amended) requires Councils to secure the best use of land that has been acquired for planning purposes. For the reasons given I cannot agree that the proposed development is the best use of the land, and this is a matter that I do not therefore need to consider further.

41. I note that an obligation in the form of a Unilateral Undertaking has been submitted in draft form. The appeal is however to be dismissed on other substantive grounds. It is not therefore necessary for me to review it in detail.

Conclusion

42. The proposal is contrary to the development plan and there are no material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

A Tucker

INSPECTOR