

Appeal Decisions

Site visit made on 10 August 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2016

Appeal A Ref: APP/N5090/C/16/3141635

Appeal B Ref: APP/N5090/C/16/3141636

10 Fitzalan Road, London N3 3PD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr Joel Fhima (Appeal A) and Mrs Ester Fhima (Appeal B) against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The notice was issued on 27 November 2015.
 - The breach of planning control as alleged in the notice is: without planning permission the construction of a front porch.
 - The requirements of the notice are:
 1. Demolish the front porch
 2. Permanently remove all constituent materials resulting from the works in 1. above from the property.
 - The period for compliance with the requirements is two months after this notice takes effect.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
 - Appeal B is proceeding on the ground set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended.
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Summary of Decision

1. Appeal A is allowed and the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.
2. No further action is taken in relation to Appeal B.

Ground (a) and the deemed application for planning permission

Main Issue and Reasons

3. The main issue is the effect of the front porch on the character and appearance of the host property and the street scene.
 4. The host property is in a section of Fitzalan Road that has dwellings on one side and a large paddock area opposite. The dwellings are of substantial size and mixed architectural styles, maintaining a fairly uniform building line along their frontages. No 10 is neither listed nor in a conservation area.
 5. Several properties between the junction of Regent's Park Road and the appeal property have brick built front elevations and despite their substantial form the porches are very restrained and subordinate to the main frontages. Further along, I saw that No 8 is a detached white rendered two-storey house with a
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single storey integral garage to the side and fairly prominent front bays to both floors and prominent porch. The individual components of this front elevation together form a harmonious appearance. Further along from the appeal property there is an assortment of porch styles, several with fairly prominent gable roofs.

6. Nos 10 and 12 are a pair of semi-detached dwellings with white rendered front elevations although, unlike its counterpart, No 10 has a two-storey side extension slightly set back from the main part of the building. The porch as constructed exceeds 7m² in area and 3m in height, projecting about 1.3m from the main elevation. It does not balance the appearance of the adjoining semi-detached property; however because of the side extension, the upper level bay and similarly shaped but larger, porch underneath it, form the central and prominent feature, giving it a somewhat different character from No 12.
7. The size of the porch does have a slightly adverse impact on the façade but I am conscious of the lack of distinctiveness in the various styles and forms of porches in the area, notwithstanding that there are several nearby that are discreetly designed not to compete with other elements in the facades. Taking all this into consideration, on balance I do not consider that the porch has an unacceptably detrimental impact on the appearance of its host or within the street scene.
8. I note that the porch referred to in the appeal decision at 79 Princes Park Avenue is said to be larger than at No 10; however I have decided these appeals on their own merits given the particular local context of the site.
9. I conclude that the size of the porch and its relationship to the original house does not appear unduly obtrusive or out of character with the area and in this respect complies with Barnet's Local Plan: *(Core Strategy) Development Plan Document 2012*, Policy CS 5 and Barnet's Local Plan: *(Development Management Policies) Development Plan Document 2012*, Policy DM01 in that it respects local context and character, having regard to the scale, mass, height and pattern of surrounding buildings, spaces and streets. It also complies with the Supplementary Planning Document: *Residential Design Guidance 2013* in that it does not spoil the overall appearance of the property or street or the outlook of neighbouring houses.
10. In terms of compliance with the London Plan¹, the porch complies with Policies 7.4 and 7.6 in that it does not unacceptably undermine local distinctiveness and maintains a coherent streetscape by, among other matters, incorporating materials of a suitable quality and design appropriate to their context.

Overall Conclusion

11. For the reasons given above I conclude that Appeal A should succeed on ground (a) and planning permission will be granted. The appeal on ground (g) does not therefore need to be considered. In relation to Ground B, it is unnecessary for me to consider whether the appeal on ground (g) should succeed as the enforcement notice will be quashed as a result of my decision to allow Appeal A on ground (a). No further action will be taken on this ground of appeal.

¹ London Plan: Spatial Strategy for London Consolidated with Alterations Since 2011 (2015)

Formal Decisions

Appeal A Ref: APP/N5090/C/16/3141635

12. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the erection of a front porch at 10 Fitzalan Road, London N3 3PD.

Appeal B Ref: APP/N5090/C/16/3141636

13. No further action is taken.

Grahame Kean

INSPECTOR