

Appeal Decision

Site visit made on 8 November 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 1 December 2016

Appeal Ref: APP/N5090/D/3156537
20 West Heath Gardens, London NW3 7TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs J Caro against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3065/S73, dated 6 May 2016, was refused by notice dated 5 July 2016.
 - The application sought planning permission for a two-storey rear extension without complying with a condition attached to planning permission Ref 14/08167/HSE dated 17 February 2015.
 - The condition in dispute is No 1 which states that: *'The development hereby permitted shall be carried out in accordance with the following approved plans: 20WestHGDns/14/03; 20 WestHGGdns/14/05; 20WestHGDns/14/01; 20WestHGDns/14/01; 20 WestHGDns/14/04; 20WestHGDns/14/02.'*
 - The reason given for the condition is: *'For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CSNPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).'*
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Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. The appeal follows the granting of planning permission Ref 14/08167/HSE, dated 17 February 2015 and relates to the subsequent application to vary an attached Condition on the approved plans relating to the design of the roof, instalment of dormer windows and the provision of additional accommodation in the roof space. The Council refused the subsequent application Ref: 16/3065/S73 on 5 July 2016 on the grounds that varying the relevant condition to replace the approved plans with the amended plans would result in material harm to the character and appearance of the host property and the surrounding area. An appeal was lodged against that decision. The appeal therefore seeks the variation of the Condition to replace references to some approved plans with references to relevant amended plans, as specified. It is against this background and on this basis that I have determined the appeal.
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Main Issue

3. The main issue is the effect that varying the specified plans under Condition 1 attached to planning permission Ref 14/08167/HSE would have on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal site comprises a large detached property located on West Heath Gardens. The host property is significantly elevated above street level due to the local topography and is one of the most elevated properties in the cul-de-sac. The property projects forward of 19 West Heath Gardens (No 19) which makes it visible from most of the public highway in the cul-de-sac and appears as a three-storey building from the street with an integral garage on the ground floor which is elevated about street level.
5. The proposed changes would result in the host property altering from an asymmetrical roof line and relatively shallow pitch to the steeper angled pitch of the proposed crown roof. Furthermore, the change in roof design, increase in roof ridge height and the inclusion of the two dormer windows, particularly the dormer to the front elevation, would give the property an overly-prominent and bulky appearance the locality. From the site visit, the host property is already visible on approach along West Heath Gardens due to its size, position and the topography of the local area. The proposed variation to the roofline would only exacerbate the property's impact on the character and appearance of the streetscene.
6. Furthermore, the proposed crown roof would not be in keeping with the character and appearance of the properties immediately surrounding the host property. Although properties in the area are individually designed, the form, scale and architectural style of the host property and its neighbouring properties is similar with relatively shallow pitched roofs and uninterrupted roof slopes.
7. The host property would appear excessively tall due to the additional height of the proposed roof and its elevated plot. Its existing appearance as a three-storey property from the street would alter to appear as a four-storey building. In varying the condition as proposed, the overall effect on the host property, due to its substantial width and increased height, would result in it appearing out of keeping with immediately adjacent properties. It would also be a dominant and intrusive element within the streetscene, particularly having a dominant effect on the properties on the south side of West Heath Gardens, opposite the appeal site.
8. I acknowledge that the overall height of the host property, according to the appellant, would increase by around 0.3 metres as a result of the proposal changes. However, due to the addition of the dormer windows and the increased angle of the roof slope, I find that the bulk, massing and scale of the property would be materially altered and would appear quite different to the approved scheme. Furthermore, given the host property's prominent and elevated position within the street, the variations to its overall design and appearance and the adverse effects would inevitably be visible in the wider locality and certainly when viewed from the approach along West Heath Gardens.

9. I note that some nearby properties have dormers and roofs similar to that which is proposed. The appellant states that the variations submitted would result in a property that would appear in keeping with these neighbouring houses and the streetscene. Notwithstanding this, I find that the proposed amendments would result in a significant change in the appearance of the host property, as approved. The property would appear as a four-storey building in a street which predominantly comprises two and three-storey properties. It would be inconsistent with the character and appearance of the surrounding properties and would also create a significant contrast between properties on the opposite side of the road from the appeal site which are two-storey and have plots at street level.
10. With regard to other nearby properties with similar dormer windows and roof lines to that proposed, whilst visible from the street, I consider these properties to have a less prominent and dominant presence in the streetscene than the elevated host property. As such, the proposed changes to the approved scheme would have a greater material visual impact on the character and appearance of the surrounding area than those other nearby properties.
11. The alterations to the approved plans and the variation of Condition 1 would provide additional accommodation to a family dwelling in an accessible and established residential location. However, from what I have seen and read, I find that the benefits of the proposed changes would not be sufficient to outweigh the harm I have identified.
12. Consequently, I conclude that it is necessary to continue to impose the restrictions on the proposed development as set out in Condition 1 attached to the permission granted Ref: 14/08167/HSE, for the reasons set out above. To allow the scheme to alter in appearance as proposed in this appeal would, on the evidence before me, result in material harm to the character and appearance of the host property and the wider streetscene. Therefore, it would be contrary to Policies CS NPPF, CS1 and CS5 of the Barnet Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Barnet Local Plan Development Management Policies DPD (adopted September 2012) and the Barnet Residential Design Guidance SPD (adopted April 2013).

Conclusion

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

Andrew McCormack

INSPECTOR