
Appeal Decision

Site visit made on 7 November 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 5 December 2016

Appeal Ref: APP/N5090/W/16/3156230
54 East View, Barnet EN5 5TN

- 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 Mr Ben Devons against the Council of the London Borough of Barnet.
 - The application Ref 16/2135/HSE, is dated 4 April 2016.
 - The development proposed is a part single, part two-storey side, rear and front extensions. Roof extension involving 2No rear dormer windows, 2No rooflights to front elevation to facilitate a loft conversion. Raised patio level with steps to ground level.
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Decision

1. The appeal is allowed and planning permission is granted for a part single, part two-storey side, rear and front extensions. Roof extension involving 2No rear dormer windows, 2No rooflights to front elevation to facilitate a loft conversion. Raised patio level with steps to ground level at 54 East View, Barnet EN5 5TN in accordance with the terms of the application, Ref 16/2135/HSE, dated 4 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan/Location Plan, DWG 001D; Proposed Ground and First Floor Plan, DWG 002G; Proposed Loft Floor and Roof Structure, DWG 003G; Existing and Proposed Front and Back Elevations, DWG 004G; Existing and Proposed Side Elevation DWG 005G.
 - 3) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or doors shall be constructed on the northern and southern elevations.
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Application for costs

An application for costs was made by Mr Ben Devons against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Procedural Matters

2. The Council altered the description of the development from 'part single part double storey side and back extension. Single storey front extension and loft conversion. Raised patio area' to 'part single, part two-storey side, rear and front extensions. Roof extension involving 2No rear dormer windows, 2No rooflights to front elevation to facilitate a loft conversion. Raised patio level with steps to ground level.' This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description of the appeal proposals and I have therefore considered the appeal on this basis.
3. It is clear from the appellant's appeal submissions that the local planning authority granted planning permission in February 2016, Ref 16/1661/HSE for a raised patio and front, side, rear extensions, including roof extensions at 54 East View. From the evidence I have before me, it is apparent that this appeal proposal differs from the previously approved scheme predominantly in respect of its roof form. The planning permission granted proposed a traditional hipped roof with a single rear dormer and 3 rooflights. The appeal proposal is for a crown roof with two rear dormer windows and 5 rooflights. A marginal increase in the depth of the two-storey addition is also proposed and a small reduction in its width.
4. Having regard to the above grant of planning permission, and in the absence of any evidence from the Council to indicate otherwise, it would appear that there is no dispute between the parties as to the acceptability of the other elements of the proposal. I shall therefore confine my detailed considerations to the proposed roof extension.
5. I noted on my visit to the site that the property is undergoing substantial alteration following the planning permission granted in February 2016.

Main Issue

6. From the evidence I have before me, I consider the main issue in this case to be the effect on the character and appearance of the area.

Reasons

7. East View is a residential street characterised by a mix of large detached and semi-detached properties situated in deep plots. The properties vary considerably in their individual design characteristics and form, however many have dominant hipped roof forms and have also undergone alteration and extension.
8. No 54 displays a simple hipped roof which sits within the external walls of the dwelling which form a small parapet around it. The appeal proposal would introduce a more conventional eaves detail but the pitch to the hipped roof of both the original house and proposed two-storey extension would be steeper and in a crown form. There would be an increase in the height of the ridge by 400mm.

9. The Council has previously approved an increase in ridge height of 400mm. Although the crown roof would result in a steeper pitch, this would have a negligible effect on the overall visual appearance of the property when viewed from street level. Many properties within the street display dominant hipped roof forms, and there is considerable variation in their configuration. I noted on my visit to the site another example of a crown roof within the street. The roof to the two-storey side extension would be subservient to that of the original dwelling and overall I am satisfied that the proposed crown roof would not appear incongruous or detract from the overall character and appearance of East View.
10. The proposed rear dormer windows would not be visible to the street. By reason of their small scale and position within the rear roof slopes they would not be visually dominant nor would they detract from the appearance of the appeal property. Similarly the proposed roof lights would be sensitively located and not unduly prominent.
11. I conclude that the appeal proposal would not have a harmful effect on the character and appearance of the area. I therefore find no conflict with policies found with the National Planning Policy Framework (the Framework), which seek to secure high quality design which takes account of the local character and reflect the local surroundings and materials.

Other Matters

12. The depth of the proposed two-storey side extension is marginally deeper than the two-storey extension previously granted planning permission in February 2016. In view of the position of this extension, I am satisfied that this marginal increase in size would not have a harmful impact on the living conditions of the neighbouring occupants at No 52, having particular regard to outlook and light.

Conditions

13. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result I have amended some of them for consistency, clarity and omitted others.
14. A condition specifying the approved plans is necessary as this provides certainty. I have imposed a condition specifying materials as this is necessary to safeguard the character and appearance of the area.
15. Conditions to prevent the use of the large roof of the single storey rear extension as a balcony or amenity area and to prevent the construction of openings in the flank elevations are necessary to protect the privacy of neighbouring residents.
16. A condition suggested by the Council to require obscure glass and limit the opening of the roof lights facing Nos. 52 and 56 East View is not necessary as, by reason of the position and height of the rooflights within the roof slope, they would not provide an opportunity to overlook neighbouring properties.

Conclusion

17. For the reason given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR