

Appeal Decision

Site visit made on 29 November 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: 06 December 2016

Appeal Ref: APP/N5090/D/16/3157230

2 Alberon Gardens, London NW11 0AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Z Mosafi against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/2039/HSE, dated 24 March 2016 was refused by notice dated 25 May 2015.
 - The development proposed is side extension to existing dormer window on rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for side extension to existing dormer window on rear elevation in accordance with the application Ref 16/2039/HSE, dated 24 March 2016 at 2 Alberon Gardens, London NW11 0AG 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 plan: MOS/16/01.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and wider surrounding area.

Reasons

3. 2 Alberon Gardens is a two storey semi-detached property in a residential area. It is not listed and is not in a conservation area. Presently there is a dormer addition to the right hand side, and a roof light to the left side of the rear section of the main roof. This rear section has itself been extended to ridge height to form a flat roof which is level with the existing dormer.
 4. The proposal would extend the roof accommodation by replacing the roof light with a dormer, effectively extending the existing dormer. It would be set in from the side and ridge of the main roof element to the same degree as the existing dormer and have two window openings to match those on the existing.
 5. The new dormer is said to be contrary to the *Residential Design Guidance* 2013 (SPD) that states on Page 49 that dormers "should normally be subordinate
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features” on the roof and not exceed half its width or depth. The Council considers the new dormer would be over dominant, detracting from the original roof. However it does not explain how, as also asserted in the refusal notice, the proposal would harm the appearance of the street scene or wider area.

6. I saw that No 2 is at the end of a row of semi-detached houses whose rear roofs were otherwise undeveloped, presenting a strong and positive aspect of the roofscape to the west of the appeal site. Nevertheless the dormer at No 2 marks the end point of this view. In the vicinity of the appeal site there are several dormers of varying sizes in the adjacent flatted development to the east, as well as in the rear elevations of houses on Monkville Avenue that back onto the appeal site. As such the extended dormer as proposed would not in my view materially undermine the character of the wider area including the undeveloped stretch of rear roofs to the west of the appeal property.
7. Turning to the effect on the main property, the existing additions to the roof have compromised its original features giving it a rather stacked and ungainly appearance. The new dormer would have a slightly adverse effect on the appearance of the roof itself but in this particular position, and by using matching materials and aligning its proportions with those of the existing dormer, it would not adversely affect the shape of the main rear section of the roof or unduly undermine the overall appearance of the rear elevation.
8. I am not therefore persuaded by the Council that the proposal would cause unacceptable harm either to the host property or to the locality. Although the SPD carries significant weight as a material consideration the use of the word “normally” in the key criterion cited by the Council seems to admit of exceptions, which for the reasons I have described would be applicable here.
9. There may be large dormers in the area that have been erected under permitted development rights but that does not mean that they can be ignored in assessing the established character of the area. This principle would apply equally to the loft conversion granted permission at the rear of the appeal property which bears some resemblance to an example, counselled against, also on page 49 of the SPD.
10. I conclude that the proposal would be appropriate in scale and would not unacceptably undermine the overall architectural integrity of its host or the wider street scene. It would thus comply with the essential aims of the SPD and Policy CS5 of Barnet’s Core Strategy 2012 in respecting local context and distinctive local character. It would also comply with Policy DM01 of Barnet’s Development Management Policies DPD 2012, and Policies 7.4 and 7.6 of the London Plan 2015 by respecting the appearance, scale, mass, height and pattern of surrounding buildings and be of an acceptably high design standard.
11. No conditions are suggested by the Council. However I have imposed the standard implementation condition. A condition is also needed for certainty to ensure the development proceeds in accordance with the approved plan.

Conclusion

12. For the above reasons the appeal is allowed.

Grahame Kean

INSPECTOR