
Appeal Decision

Site visit made on 22 March 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 07 April 2017

Appeal Ref: APP/N5090/D/16/3165050

1 Pank Avenue, New Barnet, Barnet EN5 1NF

- 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 Steven Glynne against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/4941/RCU, dated 26 July 2016, was refused by notice dated 4 October 2016.
 - The development is dormer loft conversion and French Doors with Juliette balcony.
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Decision

1. The appeal is allowed and planning permission is granted for dormer loft conversion at 1 Pank Avenue, New Barnet, Barnet EN5 1NF in accordance with the terms of the application, Ref 16/4941/RCU, dated 26 July 2016, subject to the following conditions:
 - i) The Juliette balcony shown on Dwg Nos sdc/pan/04PL and sdc/pan/06PL, relating to the southern side elevation of the development hereby permitted shall not be installed. Furthermore, within 3 months of the date of this decision, the French doors on that same southern elevation of the development hereby permitted shall be removed and replaced with tile hanging to match the remainder of that dormer extension.
 - ii) Those windows shown on the elevation drawing No sdc/pan/04PL relating to the northern side elevation of the development hereby permitted shall not be implemented but instead, of those windows (one for a bedroom and the other for a bathroom) that have been installed in that elevation as shown on drawing No sdc/pan/06PL, within 3 months of the date of this decision, that relating to the bedroom shall be removed and replaced with tile hanging to match the remainder of that dormer extension; and that relating to the bathroom shall be fitted with obscured glazing, with no part of that window that is less than 1.7 metres above the floor level of the room in which it is installed being capable of being opened, and retained as such thereafter.
 - iii) 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 or doors, other than those expressly authorised by this permission, shall be constructed on the north or south facing side elevations of the development hereby permitted.
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Procedural Matters

2. The description of development in the decision paragraph above differs from that in the fourth bullet of the above header to reflect the removal of the French Doors with Juliette balcony, as suggested by the appellant and secured in the above conditions to address issues of overlooking of neighbouring properties. As I have explained in my reasoning, such an approach would not prejudice the Council or neighbouring residents. Furthermore, the number and positioning of windows shown in the northern side elevation of Dwg No sdc/pan/04PL does not reflect the floor layout plan, Dwg No sdc/pan/06PL. I consider that this discrepancy, also ensuring only the bathroom window shown on the latter drawing in that north elevation is retained, as explained in my reasoning below, can be addressed by a condition without prejudicing any of the parties concerned.
3. The Council, in its decision notice refers to its Residential Design Guidance Supplementary Planning Document (the SPD) to which I have applied some weight due to its role in supporting the relevant development plan policies.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host dwelling and surrounding area.

Reasons

5. The development, with the exception of the proposed Juliette balcony, has been completed. Furthermore, two windows have been inserted in the northern side elevation instead of the three shown on the elevation drawing. Those two windows do however accord with the floor plan drawing submitted.
6. The development completely alters the original roof form of the dwelling at the rear and sides with a large extent of the original pitched roof having been replaced with large dormers wrapping around from the sides to the rear. However, the front elevation and hipped roof form remains unaltered. As such, the side dormers are set well back from the front elevation of the dwelling and so partially screened from view, to varying degrees, on the approaches to the site along Pank Avenue by that original front roof slope. They are also clad in tiles that complement those of the front roof area.
7. The dwelling is also set back to some degree from the road and of relatively modest height compared with many other originally full two storey dwellings in the street. The southern dormer is also obscured to some extent by the low pitched roof at the front of the existing otherwise flat roof single storey side extension on that side of the dwelling. The French doors in the southern dormer are therefore also not clearly visible from the street. On the approach from the north, the dwelling at No 3 also screens a large part of the northern dormer.
8. Although the side dormers are clearly visible from the street, for the above reasons they are not dominant features of the dwelling in the context of the streetscene and as such do not have a jarring or incongruous impact in that important respect. That is also in the context of an already fairly varied street scene in terms of building designs, including the dwelling opposite at No 2 which has highly prominent, large side dormers at a higher level due to being an originally 2-storey dwelling.

9. The rear ends of the side dormers and the particularly large rear dormer, whilst representing bulky and roof altering additions, are not widely visible from the surrounding area other than to varying degrees from neighbouring dwellings. In this respect, from Eversleigh Road to the north, it is only glimpsed through gaps between buildings. However, being set well back from that road, it is not a prominent or dominating feature. Furthermore, the tile cladding provides it with some degree of reference to the original house in terms of roofing materials and it is also again seen in the context of the fairly varied building designs in the vicinity.
10. Whilst such extensions, as referred to in the SPD, would often not be acceptable, the circumstances in this case are such that, for the above reasons, the development does not cause unacceptable harm to the character and appearance of the host dwelling or the surrounding area. As such, it accords with policies 3.5 and 7.6 of the London Plan, policy CS5 of Barnet's Local Plan (Core Strategy) and policy DM01 of the Barnet's Local Plan (Development Management Policies), which together in respect of this issue require development to respect local context and distinctive local character, and to represent high quality design. It would also not be at odds with the general principle set out in the SPD of seeking to protect Barnet's character.
11. I have also had regard to concerns raised relating to overlooking and loss of privacy to residents living at No 3 Pank Avenue and No 42 Longmore Avenue. There would currently be potential for the currently obscure glazed French doors in the side of the southern dormer, when open, to allow significant direct overlooking to the rear of the adjacent dwellings and gardens of Longmore Avenue immediately to the south of the site. The proximity to those properties would be likely to result in this causing harmful loss of privacy. Likewise, the close proximity of the existing bedroom window in the north dormer to a ground floor habitable room window on the side of No 3 would have the potential to cause a harmful level of overlooking and loss of privacy to the residents of that property.
12. In respect of this issue, the appellant wishes to amend the scheme so as to remove the side French doors on the southern dormer extension and the bedroom window in the northern dormer. With the former, this would also prevent access to and therefore overlooking from the flat roof of the side extension. Similarly the securing of the bathroom window on the northern elevation with obscured glazing and fixed below 1.7 metres above floor level, would further prevent overlooking into the side habitable room window of No 3. As those changes would address the issue relating to overlooking and loss of privacy of neighbouring residents, without detracting from the appearance of the development, I am satisfied that they would be appropriate and would not prejudice either the Council or those neighbouring residents by incorporating them. Although I have not received amended plans to reflect these changes, they can be secured by condition.
13. The Council has suggested five conditions in its officer report that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and amended some of the wording, omitted three and added one. Notwithstanding the outstanding requirements relating to the fenestration on the north and south elevations, the development is completed and so the suggested conditions concerning the time period for commencement, carrying out the

development in accordance with the approved plans and requiring the materials to match those in the existing building, where they already do so, are unnecessary.

14. In the interests of the privacy of those residents living to the north and south of the site, the Council has suggested a condition to require all of the north and south fenestration on the dormers to be obscure glazed and fixed below 1.7 metres above floor level. However, the conditions suggested by the appellant and referred to above, albeit with amended wording, concerning the north and south dormer fenestration, including removal of all but the bathroom window, would achieve the same aim. As such they would be reasonable and necessary in order to address this issue.
15. In the interests of the character and appearance of the host dwelling and surrounding area, it would also be necessary for the above conditions to secure materials to match the rest of the dormer once the existing fenestration has been removed. To avoid any potential future unacceptable levels of overlooking and loss of privacy to those neighbouring residents, a condition to prevent any windows or doors in the north or south elevations of the development other than those authorised would also be necessary.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR