



Appeal Decision

Site visit made on 16 October 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 30 October 2017

Appeal Ref: APP/N5090/W/17/3179812

17 & 19 St Andrews Road, Golders Green, London NW11 0PH

- 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 Ashrose Properties Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/2010/S73, dated 28 March 2017, was refused by notice dated 26 May 2017.
 - The application sought planning permission for single storey rear extensions to both properties following demolition of existing extension to No 19. Formation of Juliette balconies to first floor level. Enlargement to roof and extension involving rear dormer window and rooflights to side and front elevations to provide live/work unit. New entrance doors. Associated parking, refuse and recycle store and cycle parking without complying with conditions attached to planning permission Ref 16/8232/FUL, dated 2 March 2017.
 - The conditions in dispute are Nos 1 and 4 which state that:
 1. *The development hereby permitted shall be carried out in accordance with the following approved plans: 05/937/PLAN/101/A, 05/937/PRELIM/102/A, 05/937/PRELIM/103, 05/937/PLAN/104/D, 05/937/PLAN/105/E, 05/937/PLAN/106.D. 05/937/PLAN/107/E, 05/937/PLAN/108/E, 05/937/PLAN/109, 05/937/PLAN/110/D, 05/937/PLAN/111/A, 05/937/PLAN/112/B, 05/937/PLAN/113.C.*
 4. *Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission shall be placed at any time in the side elevation(s) of the extension(s) hereby approved.*
 - The reasons given for the conditions are:
 1. *For the avoidance of doubt and in the interest of proper planning and so as to ensure that the development is carried out in full accordance with the plans as assessed in accordance with policies DM01 of the adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012)*
 4. *To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012)*
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council refer to Policies 3.5, 7.4 and 7.6 of the London Plan (adopted 2013 and 2015) in its decision notice. I have though, as required, determined the proposal in accordance with the London Plan 2016 as the most up to date version of the document. As the relevant Policies have the same wording as in previous versions I have not sought comments from the main parties in this respect.

Background and Main Issue

3. In March 2017 planning permission was granted for single storey rear extensions to 17 and 19 St Andrews Road following demolition of an existing extension to No 19. The proposal also included the formation of Juliette balconies to first floor level, enlargement to roof and extension involving rear dormer window and rooflights to side and front elevations to provide live/work unit, new entrance doors, associated parking, refuse and recycle store and cycle parking (16/8232/FUL).
4. The appellants subsequently sought to amend the proposals to omit the rear living room windows and Juliette balconies at first floor level and replace them with two dormer windows. They also proposed that the rear flat roof be replaced with the continuation of the tiled slope roof.
5. Condition 1 on planning permission 16/8232/FUL is in effect an approved plans condition. This appeal seeks to vary the condition by the substitution of amended plans; what is referred to as a minor material amendment. The Planning Practice Guidance notes that one of the uses of Section 73 application is to seek a minor material amendment, where there is a relevant condition to amend. As the proposal involves new dormer windows, the appellants also sought to vary condition 4 on permission 16/8232/FUL which restricts the insertion of new windows into the side elevation of the extensions to those approved by the permission.
6. The main issue is therefore the effect of varying the conditions on the character and appearance of the host buildings and the surrounding area.

Reasons

7. Nos 17 and 19 form semi-detached properties on a street of similar houses, set back from the road in a fairly constant building line. Most have double bay frontages extending from the main front elevation. As a result, although there is open space in the form of a tennis club opposite the appeal site, the built form on the street has a degree of uniformity. To the rear of the appeal site is a similar line of semi-detached properties on St Johns Road, with the space in between the two formed by gardens. This space between the two rows of houses forms a long corridor of gardens with limited mature planting giving an open outlook between the properties.
8. The rear elevations of the buildings on both St Andrews Road and St Johns Road are more varied with a number of additions to the built form. I saw though that these were mainly at ground floor level or dormer additions to the roof space. As a result, in the main, the original rear elevation of properties along the streets is easily interpreted reflecting the traditional appearance of the dwellings.

9. The amendment to planning permission 16/8232/FUL proposes a first floor addition that, according to the Council, would have a depth of 2.9 metres, 7.9m in width and 2.2m in height. These figures have not been disputed by the appellant. In addition the extended first floor area would incorporate two dormers within a cat slide roof.
10. As a result, the size of the extended area, together with the two dormers would create a large bulky addition, particularly when viewed cumulatively with the proposed dormers within the roof space, obliterating the original rear elevations of the properties. As a result it would not be subordinate to the existing properties, but instead present a bulky, top heavy appearance to the rear elevation and significantly alter the traditional rear roof slope of the houses. Although the roof of the dormers would be glazed, this would not, in itself, diminish the size, location and extent of the dormers
11. The front elevation of Nos 17 and 19 also incorporates a cat slide roof with a dormer extension. However, the roof is flanked and concealed by the projecting gables of the two properties. Accordingly, it is not a dominant feature in the street scene, and would not therefore, provide sufficient justification for the appeal proposals.
12. I accept that the extended area and dormers would be sited below the ridge line and have very limited visibility from St Andrews Road. Nevertheless, I took the opportunity to view the proposal from Templars Avenue, and saw that even though there is a tree and boundary treatment the rear elevations of properties along the streets are visible. Furthermore, given the open nature of the garden space between the two rows of houses, the extension would also be very visible from surrounding residential properties. The undue prominence of the proposal would therefore be apparent within the wider residential area where I saw very limited evidence of first floor extensions incorporating dormers.
13. My attention has been drawn to dormer extensions on a number of properties on both St Andrews Road and St Johns Road. I acknowledge that dormers do form part of the character of the rear elevations of the properties along the road, but crucially I saw at my site visit that most are within the roof space rather than at first floor. I have also had regard to the extensions at 18 St Johns Road, situated to the rear of the appeal site (16/8237/PNH and 17/2173/192). However, the Council confirm that the extensions, in that instance, were lawful and did not, in their own right, require planning permission. In any case, the presence of these extensions would not in themselves, be sufficient to alter the overall character and appearance of the area.
14. For the reasons above, I conclude that varying the conditions as proposed would be harmful to the character and appearance of the host building and the surrounding area. Therefore, the proposal would be contrary to Policies 3.5, 7.4 and 7.6 of the London Plan 2016, Policy CS5 of the Barnet Local Plan Core Strategy Development Plan Document 2012, Policy DM01 of the Barnet Local Plan Development Management Policies Development Plan Document 2012 and Local Plan Supplementary Planning Document Residential Design Guidance 2013. Together these require that development is of high quality design and architectural quality that respects local context and distinctive local character.

Conclusion

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

Zoe Raygen

INSPECTOR