



Appeal Decision

Site visit made on 3 July 2019

by N Smith BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/N5090/W/19/3225390

58 Finchley Lane, Hendon, London, NW4 1DJ

- 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 Lipschitz against the decision of London Borough of Barnet.
 - The application Ref 18/7410/FUL, dated 13 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is erection of rear dormer and three roof lights in the front facing roof slope.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of rear dormer and three roof lights in the front facing roof slope at 58 Finchley Lane, Hendon, London, NW4 1DJ in accordance with the terms of the application, Ref 18/7410/FUL, dated 13 December 2018, and the plans submitted with it, 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: FL.58.EX.01, FL.58/EX.02, FL.58.EX.03, FL.58.PRO.02 revision A and FL.58.PRO.03 revision A.
 - 3) The materials used in the external surfaces of the roof extension shall match those used in the existing building.

Procedural Matters

2. I have amended the description of the development as set out on the planning application form to include reference to the three front facing roof lights.
3. The appellant submitted revised plans during the course of the application process. The Council accepted those and determined the application accordingly. For the avoidance of doubt, I too have based my decision on the revised plans.

Main Issue

4. The main issue is whether the effect of the development on the character and appearance of the area would be acceptable.

Reasons

5. The appeal site contains a three-storey mid-terraced building. The proposal is for a rear roof extension and three front facing roof lights to provide additional living accommodation in the upper floor unit. The parties agree that the roof lights are not controversial.
6. The roof extension would be over half the width of the property, which is in conflict with one of the criteria described by the Residential Design Guidance Supplementary Planning Document 2016 (the SPD). There is dispute as to whether the extension would be set far enough away from the party wall. In either event, the extension would be set in from all of the edges of the roof and in my judgement, would have a subordinate and proportionate appearance.
7. The criteria described by the SPD are not set out in absolute terms, with 'should' used over 'must'. This leads me to the conclusion that the document accepts that the strict application of the criteria may not always be necessary to achieve an acceptable development.
8. The appeal site is close to a road junction and so there would be views of it from Second Avenue but given that I have found that its appearance would be acceptable, I do not consider it being visible from public areas to be problematic.
9. The extension would be larger than others along the terrace, but those at Nos 52 and 54 aside, there are other examples within the local area of larger rear roof extensions, including on the opposite side of the junction. Overall, I consider the character of the area in so far as roof extensions are concerned to be mixed, and the proposed addition would not conflict with it. Whether larger extensions have been constructed using permitted development rights does not change the effect that they have had on the area.
10. Accordingly, I find that the effect of the development on the character and appearance of the area would be acceptable, in accordance with policies CS1 and CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document 2012 and DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document 2012, in so far as they seek to secure a high quality of development. Whilst the proposal is not entirely consistent with the SPD, it achieves what it appears to me that the document is seeking to secure overall, which is design that is appropriate to its context.

Conditions

11. In addition to standard conditions ensuring that the development is started within three years and in accordance with the approved plans, I have attached a condition ensuring that the materials used match the existing building, so as to ensure that the appearance of the development is acceptable.

Conclusions

12. For the reasons that I have described, I consider that the appeal should be allowed and planning permission granted.

N Smith

INSPECTOR