



Appeal Decision

Hearing held on 3 September 2019

Site visit made on 3 September 2019

by Gareth Symons BSc(Hons) DipTP MRTPI

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

Decision date: 20 September 2019

Appeal Ref: APP/N5090/C/18/3216249
13 Southbourne Crescent, London NW4 2LB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Benjamin Friedmann against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice was issued on 15 October 2018.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a roof extension involving hip to gable and rear dormer window extensions.
 - The requirements of the notice are: 1. Demolish the roof extensions including the rear dormer and hip to gable extensions; 2. Permanently remove all constituent materials resulting from the works in 1. above from the property; 3. Restore the roof to the state in which it was prior to the breach of control as shown in plan 17-1205-03 (existing elevations) of planning permission reference 18/0758/192 dated 08.08.2018.
 - The period for compliance with the requirements is: 3 months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a roof extension involving hip to gable and rear dormer window extensions at 13 Southbourne Crescent, London NW4 2LB as shown on the plan attached to the notice.

Application for Costs

2. At the Hearing an application for costs was made by Mr Benjamin Friedmann against the Council of the London Borough of Barnet. It was agreed by the parties, however, that it would be more appropriate to deal with this in writing following the Hearing. The costs application is subject to a separate Decision.

Preliminary Matter

3. In his grounds of appeal, the appellant raised concerns about the way the Council had authorised taking enforcement action. Based on further information supplied by the Council, including a signed and dated delegated report, the appellant's agent did not pursue the matter any further.

Ground (a) Main Issue

4. Since issuing the enforcement notice the Council has granted a Lawful Development Certificate (LDC) (Ref: 18/6338/192) and planning permission (19/2084/HSE) for extensions at 11 Southbourne Crescent, which is attached to the appeal house. A lawful hip to gable roof extension has been built at No 11. Against this background, at the Hearing the Council confirmed that it no longer objected to the hip to gable part of the appeal scheme. I agree that this part of the roof extension does not have an adverse unbalancing effect on the symmetry of the pair of houses given the revised appearance of next door.
5. In view of the above, the main issue is the effect of the rear dormer window extension on the character and appearance of the area.

Reasons

6. I acknowledge that in some respects, the dormer does not meet the guidance in paragraph 14.33 of the Council's Residential Design Guidance Supplementary Planning Document (SPD). For example, it is not set in enough from the party or flank walls and it occupies more than half the width and depth of the roof slope. However, there are already several other substantial rear roof extensions to houses in the Crescent. One of those at No 22 is currently under construction and the attached house next door has an existing large dormer. Although these dormers are on the rear roofs, given the corner position of the houses they will be/are highly visible and prominent features.
7. There are many houses that do not have dormer windows. For those deemed lawful because they were permitted development, I also acknowledge their planning merits would not have been judged against development plan policies and the SPD. Nevertheless, they are common features along with other roof alterations that make up the existing character and appearance of the area. Also, at the Hearing the Council accepted that it would be fair to compare the size of the appeal dormer with those that are existing, being built or have been approved, for example at No. 20 (Doc 3 below).
8. The appeal dormer is larger than these examples. It occupies most of the rear roof slope. However, the margins around the other dormers are narrow and their overall size does not meet the SPD guidance anyway. Also, with it being at the back of the house the appeal dormer's effect on the street scene is very limited. The outer cheek of the dormer can be seen in an oblique view between the gap with next door from the road, but that is not dissimilar to what can already be seen at 5 Southbourne Crescent (Council Ref: 16/2083/192). There are also views from the road of the sides of other roof extensions. The appeal dormer is not harmful to the street scene.
9. From Dollis Walk at the rear, views of the back of No. 13 are very limited by the presence of very tall trees. The rear dormer can only be glimpsed when more or less opposite the back of the house. The intervening distance from the path next to the stream from where most persons are likely to traverse though the park also means that the dormer is not a prominent feature, and it is seen in the context of other large dormers such as at No. 5 and No.15 next door.
10. From the rear garden to the appeal house and the adjoining gardens, the dormer is more visible. However, these are very localised views and it is seen

in the context of other sizeable rear extensions in the row. Furthermore, for the reasons already given, the dormer's size is not out of place.

11. Despite the conflict with the specific guidance about dormers in the SPD, the material considerations in this case, which are other large dormers in the area, mean that the appeal dormer does accord with the purposes of the SPD which are to not accept designs for new development that are inappropriate to their context and which complement the existing suburban character. The development also accords with the aims of policies CS1 and CS5 from Barnet's Local Plan (Core Strategy) DPD 2012 and policy DM01 from Barnet's Local Plan (Development Management Policies) Development Plan Document 2012, insofar as they relate to requiring the highest standards of urban design in order to create attractive places to live in, requiring development to respect local context and have an understanding of local characteristics.

Conclusion

12. For the reasons given above, I conclude that the appeal should succeed on ground (a). I shall grant planning permission for the roof extension as described in the notice. The appeals on grounds (f) and (g) do not therefore fall to be considered.

Gareth Symons

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alvin Ormonde	Planning & Project Management Services
Benjamin Friedmann	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Gloria Dixon	Planning Enforcement Officer, LB of Barnet
Sade Olokodana	Deputy Manager Planning Enforcement, LB of Barnet

DOCUMENTS

Doc 1	Council record of enforcement case for 13 Southbourne Crescent
Doc 2	Print version for the above
Doc 3	LDC plans approved for roof dormer at 20 Southbourne Crescent
Doc 4	LDC plans approved for roof dormer at 22 Southbourne Crescent