



Appeal Decision

Site visit made on 7 October 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/N5090/C/19/3220814

Land at 12 Langham Gardens, Edgware HA8 9EG

- 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 Ms Priscilla Fernandes against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice was issued on 14 December 2018.
 - The breach of planning control as alleged in the notice is: Without planning permission the construction of a rear dormer.
 - The requirements of the notice are: 1 Demolish the rear dormer 2 Permanently remove all constituent materials resulting from the works in 1. above from the property.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since the appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld with a variation.

Main Issue

2. The main issue is the effect of the development on the existing dwelling and whether or not it would preserve or enhance the character or appearance of the Watling Estate Conservation Area.

Reasons

3. The site is accessed from Langham Gardens which consists of a short cul-de-sac. The property itself forms part of a row of terraces. A dormer roof extension has been constructed, predominantly on the rear roof slope.
4. The site lies within the Watling Estate Conservation Area. In determining this appeal, I have duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Conservation Areas are heritage assets and so are irreplaceable. Therefore, any harm or loss requires clear and convincing justification. The National Planning Policy Framework (the Framework) advises that any harm which is less than substantial must be weighed against the public benefit of the development.
5. The site derives its significance from its location as well as the resultant character of the properties. Watling Estate was built in the 1920's and was designed as a garden suburb incorporating Arts and Crafts detailing. The

topography of the Conservation Area is also a key characteristic. Small terraces of properties, limited in length, often symmetrical and balanced are seen in groups around greens or cul-de-sacs, as is the case with the appeal site. Whilst the Conservation Area Character Appraisal identifies that many alterations have taken place over the years, the area nevertheless largely retains its original built form and planned appearance in this regard.

6. The Barnet Local Plan Supplementary Planning Document: Residential Design Guidance 2016 (the SPD), explains that dormer roof extensions should not overlap or wrap around the hips of a building and on semi-detached and terraced properties be set in at least 1 metre from the party wall, flank wall or chimney stack. They should therefore be subordinate features on the roof.
7. The appeal dormer however extends approximately the full width and full height of the original rear roof slope. It also extends towards the chimney, incorporating part the side roof slope of the property, and so infills the gap between the chimney and the original hipped roof to the side. On the front elevation of the property this consequently results in a vertical section of dormer between the chimney and roof slope which presents as a particularly conspicuous addition. Consequently, the overall scale of the dormer roof extension fails to result in a subordinate and proportionate addition. It also conflicts with the guidance of the SPD.
8. There are no other dormers on the terrace of properties which the appeal property forms a part. Given its design and size, the dormer has resulted in a dominant and overbearing structure that is harmful to the character of the host property. This adversely affects the contribution of the property to the surrounding Conservation Area. The dormer therefore fails to respond to its local built context and the wider detail and architectural character of the heritage asset.
9. Furthermore, as a consequence of the location of the property, the dormer roof extension can be seen from the junction with Deansbrook Road, along Langham Road, from Langham Gardens itself as well as Abbots Road to the rear. It is therefore prominent in views from the public realm.
10. I accept that there are various other examples of properties with dormer roof extensions within the Conservation Area, although based upon my observations during my site visit, they are not prevalent. I am therefore not persuaded that the dormer is in line with standard loft conversions or otherwise complements the area. Based upon the available evidence, some dormers do not appear to have planning permission or may have been constructed as permitted development. Notwithstanding this, I am not convinced that comparing the appeal dormer against other box-style dormers, none of which appear to be exactly the same as that before me, justifies allowing an otherwise harmful development
11. I conclude that the development is detrimental to the existing property and neither preserves nor enhances the character or appearance of the Watling Estate Conservation Area. It therefore conflicts with Policies DM01 and DM06 of Barnet's Local Plan (Development Management Policies) Development Plan Document, 2012, Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy)

Development Plan Document, 2012 and Policy 7.6 of the London Plan¹. These policies, amongst other things, require development to respect the appearance, scale, mass, height and pattern of surrounding buildings, preserve or enhance the character or appearance of the Conservation Area, protect and enhance Barnet's heritage and comprise details and materials that complement the local architectural character. For the same reasons it fails to accord with the SPD.

12. In the terms of the Framework, the dormer results in less than substantial harm to the heritage asset and it must therefore be weighed against any public benefit that would arise from it. I appreciate that the additional accommodation facilitated by the dormer provides much needed space for occupiers, while maintaining the size of the rear garden, albeit I have little evidence about any specific needs. However, this would be a private benefit, which is not a matter that can be weighed against the harm to the heritage asset that I have identified.

Other Considerations

13. I appreciate the appellant recently purchased her property, having occupied it in total for some 31 years, and was not aware of the Conservation Area designation. The appellant therefore believed her roof conversion did not require planning permission when it was constructed some 3 years ago. Matching materials, albeit this seems to be in the form of timber cladding, have been used, and adverse overlooking of neighbouring occupiers does not result. Whilst I have considerable sympathy for the appellant, these matters do not outweigh the harm I have identified.
14. However, whilst a ground (g) appeal has not been pleaded, it is within my discretion to consider extending the period for compliance if I believe it would be a proportionate response. It would therefore not to my mind be unreasonable to provide the appellant with a period of additional time to enable her to explore other options with the Council. A period of 6 months would do this and/or provides the appellant with a more adequate time to secure suitable builders. Given the dormer was constructed approximately 3 years ago, I do not consider that an additional period of 3 months would be disproportionate, or otherwise unnecessarily or harmfully perpetuate the breach of planning control.

Conclusion

15. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the deemed application.

¹ The London Plan, The Spatial Development Strategy for London Consolidated with Alterations since 2011, March 2016

Formal Decision

16. It is directed that the enforcement notice be varied by:

- substituting "6 months" as the period for compliance
- Subject to this variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul T Hocking

INSPECTOR