



Appeal Decision

Site visit made on 19 November 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/N5090/W/19/3236581

First Floor Flat, 37 Pembroke Road, Muswell Hill, London N10 2HX

- 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 Michael Brown against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/2197/FUL, dated 9 April 2019, was refused by notice dated 19 June 2019.
 - The development proposed is second floor extension to the existing first floor maisonette in order to provide an additional bedroom space with ensuite facilities and external amenity.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of 1) the proposed development on the character and appearance of the host property and the surrounding area, and 2) the roof terrace on the living conditions of surrounding residents in relation to privacy.

Reasons

Character and appearance

3. The appeal property is a first floor flat and is situated in a terrace of residential properties. The area surrounding the appeal site is residential in nature with various styles and sizes of residential properties some of which contain roof alterations.
4. The proposal involves a second-floor roof extension that would result in an 'L' shaped dormer at the rear of the property. The proposal also includes the provision of a second-floor roof terrace at the rear.
5. Due to the design, size and siting I find that the proposed roof extension and balcony would dominate the rear elevation of the property, appearing alien and incongruous. It would exceed the ridge height, and not be set back from the eaves, of the roof of the two-storey outrigger thus failing to be subordinate or respect the character and appearance of the host property. The combination with the existing dormer window almost obliterates the entire roofscape of the

rear elevation. It would be highly prominent when viewed from Hampden Road causing harm to the appearance of the property and the surrounding area.

6. The proposal would therefore have an unacceptable impact on the character and appearance of the host property and the surrounding area and be contrary to Policy CS5 of the Barnet Local Plan (Core Strategy) (2012) and Policy DM01 of the Barnet Local Plan (Development Management Policies) (2012). These policies seek to ensure, amongst other things, that development respects local context and character, and be of high-quality design.
7. The proposal would also be contrary to the Barnet Local Plan Supplementary Planning Document (SPD) – Residential Design Guidance (2016). In relation to dormer extensions, the SPD outlines that, amongst other things, they should be subordinate and not rise above the ridge.

Living conditions

8. The development includes the provision of a second-floor roof terrace. It would allow views into the rear gardens of adjacent properties and the rear garden of the ground floor flat beneath the appeal property. The sloping section of the gable wall of the rear elevation would be retained to provide an element of privacy, which combined with the relatively small size of the roof terrace, I find that it would not have an unreasonable impact on the living conditions in relation to the overlooking of gardens. Overlooking of rear gardens is not uncommon in dense urban areas such as that in which the appeal site is located.
9. In relation to the overlooking and impact on privacy, in terms of allowing views into residential properties, no direct views into the living spaces of nos. 39 or 37 (ground floor flat) would be possible as a result of the development. In consideration of the impact on no. 35, the window positions relative to the roof terrace would not allow for direct overlooking. Due to the shape, size and positioning of the remainder of the proposed roof extension, views back towards the windows of no. 35 from the roof terrace, would not be largely permissible.
10. The proposal would therefore not have an unacceptable impact on the living conditions of surrounding residents in relation to overlooking or loss of privacy. The proposal would comply with Policy CS5 of the Barnet Local Plan (Core Strategy) (2012) and Policy DM01 of the Barnet Local Plan (Development Management Policies) (2012). These policies seek to ensure that, amongst other things, development respects local context and character and should be designed to allow for adequate privacy for adjoining and potential occupiers.
11. The proposal would also comply with the Barnet Local Plan Supplementary Planning Document (SPD) – Residential Design Guidance (2016). In relation to roof terraces and balconies the SPD outlines that, amongst other things, they should not result in overlooking which has a negative impact on the privacy of neighbouring residents or other occupiers.

Other Matters

12. The appellant has referred to a number of similar developments at properties in the street, some of which include roof terraces. I do not however have full details of these examples in order to give them significant weight. The Council have commented that they have no record for granting planning permission for

balconies at the properties which are referred to. In any event, some of the examples serve to confirm that poorly designed dormer windows and roof alterations do harm the character and appearance of the host property and the surrounding area. Although I have had regard to their presence, I have considered the appeal proposal on its individual merits.

13. The appellant refers to a number of undertakings at the appeal property that have sought to enhance its character and appearance. I accept the appellants honest intentions on these undertakings, however I do not find that they are relevant to my consideration of the appeal proposal which is for an entirely separate development.

Conclusion

14. On the matter of the effect of the proposed development on the character and appearance of the host property and the surrounding area, I have found that the proposed development would cause unacceptable harm to the character and appearance of the host property and the surrounding area. On the matter of living conditions, I have found that the development would not have an unacceptable impact on the living conditions of surrounding residents in relation to overlooking or loss of privacy.
15. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR