

Appeal Decision

Site visit made on 21 January 2020

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17th February 2020

Appeal Ref: APP/N5090/C/19/3232073

64 The Vale, London NW11 8SJ

- The appeal is made by Yaacov Mizrahi under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: ENF/1244/18) issued by the Council of the London Borough of Barnet on 23 May 2019.
 - The breach of planning control alleged in the notice is "the construction of a first floor front extension and roof extension including the raising of the ridge height, hip to gable extension on both sides and a rear dormer window".
 - The requirements of the notice are as follows: -
 - "1 Demolish the roof extensions and first floor front extension
 - 2 Restore the property to the state it was in prior to the breach as shown in the existing elevations drawing number 4826_02 of planning application reference 16/2356/192, including reduction of the ridge height to the pre existing level.
 - 3 Permanently remove all constituent materials resulting from the works in 1. above from the property".
 - The period for compliance with these requirements is four months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) and an application for planning permission is deemed to have been made by section 177(5) in respect of the matters stated in the notice as constituting the breach of planning control.
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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 be made by section 177(5) of the Town and Country Planning Act 1990 for development at 64 The Vale, London NW11 8SJ consisting of the construction of a first-floor front extension and roof extension, including the raising of the ridge height, a hip-to-gable extension on both sides and a rear dormer window.

Reasons for the decision

2. The main issue in deciding whether planning permission should be granted is the effect the works have had on the character and appearance of the house, the street scene and the amenities of neighbours.
 3. The reason given by the Council for the issue of the notice states that the works are contrary to the advice in the Local Plan Supplementary Planning Document: Residential Design Guidance and to Policy DM01 of the Local Plan (Development Management Policies) Development Plan Document: -
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- The Residential Design Guidance contains 85 pages and the Council have not stated explicitly where they consider the conflict to arise. I have taken into account the sections dealing with enhancing local character and extensions to houses. In particular, these sections advise that new residential development should respect the scale, massing and height of the surrounding physical context and that, in general, extensions should reflect the design of the original building, whilst having regard to the character of the area and the residential amenity enjoyed by neighbours.
 - Policy DM01 states that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
4. Before the works described in the notice took place, the house had two two-storey gable wings facing the road at the front, which were separated by a projection at the front door that had a dormer in the roof at first-floor level. As a result of the works, the gable wings have been raised and roof lights have been inserted in their side roofs, the dormer has been converted into an upper storey, set-back asymmetrical gable extensions have been added to the outer sides of the gable wings and a large rear dormer has been constructed.
 5. The character of this part of The Vale is residential, although there is an MOT testing station next to the house. The nearby residential development in The Vale consists of semi-detached houses, several of which have been extended and have become substantial properties. The rear of the house has an aspect towards properties in Granville Road, where there are blocks of flats and apartments, terrace houses and some businesses.
 6. Prior to the works, No 64 was already unique in this setting, being a large, wide detached house occupying a plot with a far more extensive street frontage than its neighbours. Following the works, it looks bulkier than it did before, mainly when viewed from the Granville Road junction, but it is about the same height and size as the pair of gable-fronted semi-detached houses next to it at the junction and it is not as high or as bulky as the apartments in Granville Road at the rear of the house.
 7. The works have maintained elements of the original gabled design, as far as the frontage is concerned. The gable extensions at the sides can be seen as repeating this roof pattern. The rear dormer is out of keeping with the original design because of its size, but it is not a prominent feature since little of it can be seen from any vantage point.
 8. The Council have accepted that neighbours have not suffered a loss of light or privacy as a result of the works; nor, from what I could see from adjoining properties, have neighbours experienced any substantial loss of visual amenity. I have not received any representations apart from those from the Council and the appellant.
 9. On balance, I consider that the works are not significantly in conflict with the advice in the Residential Design Guidance and that the works comply with Policy DM01. On the main issues, I have concluded that neither the character and appearance of the house, nor the street scene, nor the amenities of neighbours have been affected to an extent that justifies withholding planning permission.

10. The appeal has therefore succeeded on ground (a) and planning permission has been granted. It has not been suggested that any planning conditions should be imposed in this event and I do not consider that any are needed.

D.A.Hainsworth

INSPECTOR