The Planning Inspectorate

Appeal Decision

Site visit made on 16 June 2020

by S D Castle BSc(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2020

Appeal Ref: APP/N5090/D/19/3242290
64 The Vale, Childs Hill, London NW11 8SJ

- 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 Yaacov Mizrahi against the decision of the Council of the London Borough of Barnet.
- The application Ref 19/3601/RCU, dated 28 June 2019, was refused by notice dated 13 November 2019.
- The development proposed is first floor front extension. Roof extension including the raising of the ridge height, hip to gable. Removal of the rear dormer window (Part Retrospective Application).

Decision

1. The appeal is allowed and planning permission is granted for first floor front extension. Roof extension including the raising of the ridge height, hip to gable. Removal of the rear dormer window (Part Retrospective Application) at 64 The Vale, Childs Hill, London NW11 8SJ in accordance with the terms of the application, Ref 19/3601/RCU, dated 28 June 2019, subject to the following condition:

    1. The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg no. P101; Dwg no. P202.

Background and Preliminary Matters

2. The description I have used above is taken from the appeal form and the Council's decision notice as that describes the development more comprehensively than the description given on the application form. I have accordingly dealt with the appeal on the basis of this revised description.

3. A recent appeal decision[1] quashed an enforcement notice[2] relating to the site and granted planning permission on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for development 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. As such, the retrospective elements of the current appeal have already been granted permission.

[1] Appeal Ref: APP/N5090/C/19/3232073
[2] ENF/1244/18

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The box roof design of the existing rear dormer window gives a top-heavy appearance that detracts from the overall appearance and character of the dwelling. The dormer is not, however, prominent in public views. Furthermore, there are a variety of roof forms in the local area, including other examples of box dormers visible in the local street scene. These factors limit the detrimental impact of the existing dormer on the character and appearance of the surrounding area.

6. The Council's refusal reason primarily includes concerns regarding the retrospective additions to the dwelling rather than the removal of the rear dormer. Given those retrospective additions already benefit from planning permission and the proposed removal of the rear dormer would enhance the character and appearance of the surrounding area, there is no reason to withhold planning permission in this instance. The development would, therefore, comply with the development plan when taken as a whole, including Policy CS5 of Barnet's Local Plan Core Strategy (2012) and Policy DM01 of Barnet's Development Management Policies Local Plan (2012) which taken together require, amongst other things, development to preserve or enhance local character. The development would also comply with the Council's Residential Design Guide SPD (2016) which, amongst other things, advises development should respect the character of the area in which it is situated.

Conclusion

7. The appeal is allowed and planning permission is granted subject to a condition, necessary in the interest of certainty, that defines the plans.

S D Castle

INSPECTOR