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# Appeal Decision

Site visit made on 7 July 2020

**by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

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

**Decision date: 13 July 2020**

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**Appeal Ref: APP/N5090/C/19/3237277**

**Land at 16 Glenmere Avenue, London NW7 2LU**

- 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 Richard Fogelman against an enforcement notice issued by the Council of the London Borough of Barnet.
  - The enforcement notice was issued on 12 August 2019
  - The breach of planning control as alleged in the notice is the construction of a roof extension involving raising the roof height, construction of a side dormer window and insertion of rooflights front, side and rear.
  - The requirements of the notice are 1. Demolish the roof extensions including the side dormer; 2. Reconstruct the roof to match the approved scheme as shown in the Proposed Elevations drawing number HD988/8004 Rev A of planning permission ref 16/6866/HSE; and 3. Permanently remove and constituent materials resulting from the works in 1. above from the property.
  - The period for compliance with the requirements is six months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) 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 construction of a roof extension involving raising the roof height, construction of a side dormer window and insertion of rooflights front, side and rear on land at 16 Glenmere Avenue, London as referred to in the notice.

## Reasons

2. Planning permission 19/6137/RCU was granted on 20 November 2019, after the date of issue of the enforcement notice, for 'roof extension involving raising the roof height, side dormer window and front, side and rooflights (retrospective application) with proposed lowering of roof height at the rear'. The Council has stated that "If the Appellant alters the scheme so it is in accordance with this planning permission, then, at the point where the scheme has been implemented in full, the enforcement notice will cease to have effect". This factor notwithstanding, the only element of the alterations that have been carried out at the appeal property that is not authorised by the planning permission is the height of the rear section of the roof, which would need to be lowered by 1.4 metres.

3. The main issue is the effect of the height of the rear section of the roof on the character and appearance of the area and on neighbouring residential amenity.

4. The rear section of the roof cannot be seen from the front of the property or from any point in the street scene. The rear section of the roof is viewed, from vantage points in rear gardens of surrounding properties, against the backdrop of the main part of the roof. In this regard the rear section of the roof, as built, does not increase the bulk or scale of the roof as a whole. The height of this part of the roof does not affect the character and appearance of the building or the surrounding area. The height of the rear part of the roof might be glimpsed from nearby gardens but for similar reasons, and with regard to overbearingness, the roof as built does not cause any concerns for neighbouring residential amenity.

5. The height of the rear section of the roof does not adversely affect the character and appearance of the area or neighbouring residential amenity. The works that are the subject of the enforcement notice do not thus conflict with the Development Plan policies referred to by the Council. The ground (a) appeal therefore succeeds and planning permission has been granted for the construction of a roof extension involving raising the roof height, construction of a side dormer window and insertion of rooflights front, side and rear on land at 16 Glenmere Avenue, London. The ground (f) appeal does not need to be considered.

***John Braithwaite***

Inspector