
Appeal Decision

Site visit made on 5 January 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2021

Appeal Ref: APP/N5090/D/20/3260814
19 The Reddings, Mill Hill, London NW7 4JN

- 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 Mrs Michal Strassburg-Sapir against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/1486/HSE, dated 19 March 2020, was refused by notice dated 31 July 2020.
 - The development proposed is hip to gable roof extension on the side elevation and rear dormer roof extension with Juliette balcony and 3no front facing rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for a hip to gable roof extension on the side elevation and rear dormer roof extension with Juliette balcony and 3no front facing rooflights at 19 The Reddings, Mill Hill, London NW7 4JN in accordance with the terms of the application, Ref 20/1486/HSE, dated 19 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: P-100 dated 16.03.2020, P-101 dated 16.03.2020, P-102 dated 16.03.2020, P-103 dated 16.03.2020, P-104 dated 16.03.2020, P-105 dated 16.03.2020, P-106 Change Num 1 dated 16.03.2020, P-107 Change Num 1 dated 16.03.2020, P-108 Change Num 2 dated 14.05.2020, P-109 Change Num 2 dated 14.05.2020, P-110 Change Num 1 dated 16.03.2020 and Location Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mrs Michal Strassburg-Sapir against the decision of the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Procedural Matter

3. The appeal site has an extensive planning history relating to proposals to extend the property, including planning permission granted for a two storey

side extension¹ and a Certificate of Lawfulness issued for the part demolition of the existing roof to form a hip to gable roof extension on the side elevation and rear dormer roof extension with Juliette balcony and 3no front facing rooflights in January 2020². At the time of my site visit, I observed that the two storey side extension had been completed and the works permitted under the Certificate of Lawfulness had commenced and had been partially completed.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the area.

Reasons

5. The appeal property is a two storey semi-detached extended dwelling located in a mature well-established residential area, typically characterised by detached and semi-detached properties set back from the road behind a front garden/driveway. Although there is some variation in the design and style of the other properties in the area, the host property and adjacent dwellings have similar features with distinctive hipped roofs.
6. The proposal involves the construction of a hipped to gabled roof extension including a rear dormer to create additional living accommodation in the loft space. A hipped roof would be constructed over the two storey side extension set down below the ridge line of the main house. The rear flat roof dormer extension would be inset from the eaves and set down below the ridge line of the host property. The appellant states that the proposal would be identical to the proposed extension issued with a Certificate of Lawfulness by the Council, apart from a flat roof over the two storey side extension.
7. Whilst the use of a hipped roof design, set down, over the two storey side extension would assist in integrating the development with the host property, the overall design and the appearance of the roof additions would be very much at odds with the roof design of the original dwelling and the more traditional hipped roofs of similar properties in the area. The gabled roof extension and rear dormer would result in substantial bulk being added to the roof plane with only narrow peripheral parts of the sloping roof being evident.
8. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along The Reddings. The proposed development, by virtue of its scale, siting and design, would fail to achieve an appropriate degree of subordination to the host property. As such, I consider that the proposed roof alterations would result in incongruous and out-of-keeping additions that would cause harm to the host property and the area.
9. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the host property and the area. It would be contrary to Policy DM01 of the Barnet's Development Management Policies Document 2012, Policies CS1 and CS5 of the Barnet's Core Strategy 2012, Policies 7.4 and 7.6 of the London Plan 2016 and the Council's Residential Design Guidance Supplementary Planning Document 2016. These policies and guidance, amongst other things, seek to ensure that development

¹ W03729B/01 and H/00952/09

² 20/0174/192

is of a high standard of design that respects the local context in terms of appearance, scale and design of the development and responds to the overall character of the area.

Other Matters

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
11. I have considered the appellant's statement on the fall-back position on the appeal site, including case law³ and the appellant's option to part demolish the existing hipped roof to create a hip to gable roof and build a rear roof dormer extension using the Lawful Development Certificate⁴. As the building works have already commenced, there is a real prospect that such a development would be built if this appeal proposal is dismissed. I judge that the proposed fall-back development including a flat roof over the two storey side extension would have a significantly greater impact on the character and appearance of the host property and the area than the appeal proposal. This is a material consideration to which I attach significant weight.
12. I note the appellant's comments regarding the various benefits arising from the proposal including the scheme's high quality design and providing additional accommodation to meet the appellant's needs. These benefits are tempered by the scale of development, but nevertheless carry moderate weight in favour of the proposal.
13. Consequently, overall, in my view, the factors above provide the material considerations to grant planning permission other than in accordance with the development plan in this specific case.

Conditions

14. Having regard to the National Planning Policy Framework, and in particular paragraph 55, I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plan as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the external surfaces of the development match those of the existing property.

Conclusion

15. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

³ Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314

⁴ 20/0174/192