
Appeal Decision

Site visit made on 10 February 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021.

Appeal Ref: APP/N5090/D/20/3260660

6 Hamilton Road, Golders Green, London NW11 9EJ

- 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 Emil Zarkov against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/0139/HSE, dated 9 January 2020, was refused by notice dated 13 July 2020.
 - The development proposed is the provision of terrace on top of existing flat roof with installation of timber decking, balustrading and 1.80m height screening with timber structure and obscured glazing.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The title of the appellant given on the planning appeal form differs to that provided on the application form lodged with the Council. As the right of appeal rests solely with the original applicant, the above header refers to the appellant as Mr Emil Zarkov.

Main issues

3. The main issues are the effect of the proposed development on the character and appearance of the local area and on the living conditions of the occupiers of 4 Hamilton Road with particular regard to potential noise and disturbance.

Reasons

4. The appeal property is a mid-terrace dwelling of traditional style within a predominantly residential area. In the vicinity of the site, I saw that several buildings have been altered and extended at the rear. As a result, there is some variety to the existing built form in the local area to which No 6 belongs.
5. A timber structure with obscure glazing is proposed on either side of the new roof terrace at first floor level above the existing rear projection. By partly enclosing the roof in an elevated position, these new screens would be highly conspicuous features of the building, particularly as their modern design would contrast with the traditional style of the dwelling. The visual effect of these new screens would also increase the prominence of the rear projection by accentuating its outward projection and scale, and by adding to its height. As

a result, the proposal would introduce a discordant and obtrusive feature that would detract from the intrinsic character of the host building.

6. By projecting outwards from the main rear elevation of No 6, part of the new timber structure with obscure glazing would be visible from Woodstock Avenue albeit at an angle and from some distance. Nevertheless, as the only obvious example of such a feature within the terrace of which No 6 forms part, the proposal would draw the eye. From this highway, and from the back gardens of the properties on either side of the site, the new timber and glazed screens would appear out of place and out of character with the local area.
7. Although modest in size, there would still be sufficient space on the new roof terrace for people to sit outside. The frequency and duration of people using the proposed terrace in this way could be significant with the potential for associated noise to disturb the occupiers of the properties that adjoin No 6. In particular, No 4 has a first floor rear window that serves a habitable room, and a dormer window just above it, that would be close to the new roof terrace. There is no firm evidence that noise arising from these activities would necessarily arise. Nevertheless, the possibility that it could, perhaps by future occupiers of the appeal property, adds weight to my concerns with regard to the visual impact of the appeal scheme. To my mind, it would be difficult to overcome these amenity issues through the imposition of conditions because restrictions on, for example, the number of people on the new terrace at one time or the times in which it may be used would be difficult to enforce and would not in themselves reduce noise levels to an acceptable level.
8. On the main issues, I conclude that the proposed development would cause significant harm to the character and appearance of the local area and materially reduce the living conditions of the occupiers of No 4. As such, it conflicts with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy), Policy DM01 of Barnet's Local Plan (Development Management Policies) and the Council's Supplementary Planning Document, *Residential Design Guidance*, insofar as they aim to safeguard residential amenity.
9. By providing an additional outdoor amenity area, the proposal would improve the living conditions of the appellant. The proposal would make efficient use of the existing flat roof and provide an opportunity to enhance the environmental performance of the host building, as the appellant suggests. The benefits of roof terraces are highlighted in the report, *Living Roofs and Walls* that has been provided by the appellant. However, these benefits are insufficient to outweigh the significant harm to which I have referred.
10. The Government has recently increased the opportunities to exercise permitted development rights to give residents greater freedom to increase the size and alter their homes. However, planning permission is sought in this case and the National Planning Policy Framework makes clear that planning decisions should seek to ensure a high standard of amenity for all users.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR