
Appeal Decision

Site visit made on 16 February 2021

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021

Appeal Ref: APP/N5090/W/20/3262915

First floor flat, 49 Crescent Road, Barnet EN4 9RD

- 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 S-Wave Construction against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/3247/FUL, dated 17 July 2020, was refused by notice dated 30 September 2020.
 - The development proposed is a loft conversion incorporating rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion incorporating rear dormer at First floor flat, 49 Crescent Road, Barnet EN4 9RD in accordance with the terms of the application, ref 20/3247/FUL, dated 17 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with approved plan references 1457/00, 1457/12, 1457/11 Rev A and 1457/13 Rev A.

Preliminary Matter

2. The proposed works include the insertion of two rooflights in the front roof slope of the appeal property. The Council has not objected to that element of the works or to the creation of additional second floor accommodation. I see no reason to disagree and have framed the main issue accordingly.

Main Issue

3. The main issue is the effect of the proposed rear dormer on the character and appearance of the existing building and the surrounding area.

Reasons

4. The appeal property forms part of a two-storey terraced building with a rear outrigger. The property has been converted into flat accommodation. The proposed conversion and dormer would provide an additional floor of
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accommodation for the existing first floor flat. The proposed dormer would occupy much of the main rear roof slope of the building. Only a narrow strip of roof slope would be retained above the dormer and it would extend to the party wall line on one side. The retained roof slope on the other side and below the dormer would also be fairly narrow.

5. However, in that regard the proposed dormer would be similar to existing rear dormers on a considerable number of other properties in the terrace. In particular, there are comparable rear dormer extensions to Nos 51 and 55 and a large proportion of the properties to the west of the appeal site. Whilst a number of these dormers appear to have been erected using permitted development rights, they form an established part of the character of the immediate vicinity of the appeal property. In this context, the appeal dormer would not appear out of place.
6. Whilst it would not be subordinate to the existing roof slope, that can be said of the other nearby dormers. Moreover, the dormer would not be visible in the Crescent Road street scene. It would be visible from the rear gardens of neighbouring properties and glimpsed in gaps between the buildings along part of Park Road. However, these views also take in the other dormers and the prominence of the appeal dormer would be reduced by the screening effect of the property's outrigger roof.
7. Consequently, I find that the proposed dormer would not have a harmful effect on the character and appearance of the existing building or the surrounding area. It would not, therefore conflict with Policies CS1 or CS5 of the Council's Local Plan Core Strategy (2012), Policy DM01 of its Development Management Policies (2012) or Policies 7.4 or 7.6 of the London Plan (2016). Together, these policies seek to ensure that development achieves a high quality of design which respects local context and distinctive local character in its appearance, scale and mass.
8. In reaching this conclusion, I recognise that the proposed dormer would not accord with the detailed advice on the position, scale and proportion of dormers set out in the Council's Residential Design Guidance Supplementary Planning Document (2016) (SPD). However, each proposal must be considered on its merits. For the reasons explained above, I consider that the particular characteristics of the context for this proposal justify departing from the SPD advice.

Conditions

9. The Council has suggested a list of three conditions. I find that they meet the tests set out in the Planning Practice Guidance. A condition requiring external finishes to match the existing building is necessary to protect the character and appearance of the area. A condition specifying the approved plans is required in the interests of certainty.

Conclusion

10. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR