



Appeal Decision

Site Visit made on 20 April 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2021

Appeal Ref: APP/N5090/D/20/3262559

25 Hollyfield Avenue, New Southgate, London N11 3BY

- 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 Miss Stephanie Radley against the decision of London Borough of Barnet.
- The application Ref 20/2716/RCU, dated 16 June 2020, was refused by notice dated 13 August 2020.
- The development proposed is described as a "loft conversion with construction of dormer to rear (retrospective)".

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is a mid-terrace property that lies within a predominantly residential area and benefits from an existing two-storey rear outrigger, which is common on other properties in the vicinity. The development has already been carried out and as well as two roof lights on the front elevation, the development undertaken also includes an 'L' shaped rear dormer which covers the roof of the main dwelling along with its outrigger, allowing the roof space to be used as additional accommodation.
4. The Council does not raise an objection to the rooflights to the front of the building and from the evidence that has been submitted, I find no reason to disagree with that assessment. Therefore, it is the dormer extension to the rear of the property that the Council has raised its objection to.
5. Policy CS5 of the London Borough of Barnet Core Strategy 2012 (the CS) and Policy DM01 of the London Borough of Barnet Development Management Policies 2012 (the DMP) require, amongst other things, that developments should preserve and enhance local character and respect the scale, mass height and pattern of surrounding buildings, spaces and streets. The London Borough of Barnet Residential Design Guide Supplementary Planning Document 2016 (the SPD) also states that in considering dormer roof extensions, matters of design, position, scale, and proportion of the dormer should be taken into consideration.
6. The dormer extension contains a flat roof and covers the entirety of the rear roof of the property, including the outrigger. Although it is set flush with the

rear of the property, it sits higher than its ridgeline and the adjoining extension at No. 27. I was able to view the end elevation from Hillside Avenue and found its overall massing to be quite out of scale with the existing property and results in a discordant development that fails to enhance the local character of the area. Moreover, notwithstanding its contemporary design, the dormer would also be visible from surrounding properties and given its overall height, bulk, size, and site coverage, represents a prominent and incongruous feature on the rear of the property.

7. Thus, the development results in harm to the character and appearance of the area, which includes the host property. It is in conflict with Policy CS5 of the CS and Policy DM01 of the DMP, the requirements of which are specified above. In reaching this decision, I have also had regard to the SPD.

Other Matters

8. The appellant refers to the extension at 27 Hollyfield Avenue. However, the Council confirm that this has been erected without the benefit of planning permission and although the appellant confirms that an application for its retention is currently being considered by the Council, I have not been made aware of its outcome. In addition, I do not have details of the circumstances that led to other roof extensions in the area being constructed to enable me to make a direct comparison to the proposal before me. Moreover, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.
9. I have also been directed to extensions at Nos. 2 and 28 St Johns Avenue which have secured lawful development certificates for 'L' shaped roof extensions. However, it is clear that the extensions to these two properties represent permitted development, which is not the case before me. Moreover, such 'L' shaped extensions are very much in the minority and, in any case, the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would cause harm or lead me to alter my findings on this issue.
10. It may be possible to build a dormer with similar design features as the appeal proposal under the property's permitted development rights. However, the evidence from the appellant suggests that this would be materially smaller by some 16 cubic metres, which for a permitted scheme of 40 cubic metres, is not an insubstantial reduction. I therefore consider that, even taking into account the sustainability arguments put forward, this does not justify the bulk and scale of the appeal proposal, even allowing for the disruption that may arise from alterations to comply with permitted development rights.
11. The appellant argues that the SPD contains such phrases as "*should normally*". Therefore, developments should not be required to comply strictly with its requirements. Although I acknowledge the comments raised by the appellant in this regard, the SPD nonetheless provides a minimum standard on which, amongst other things, dormers are based upon and I have nothing substantive before me to suggest that its requirements are not reasonable for a scheme of this nature. Notwithstanding the SPD, Policy CS5 of the CS and Policy DM01 of the DMP of the DMP require developments to preserve or enhance local character.

12. I also acknowledge that the development does not cause harm to the living conditions of occupiers of surrounding properties, and the appellants' desire for a larger house. However, neither this nor any other material consideration that has been advanced, outweighs the harm that I have identified.

Conclusion

13. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR