



Appeal Decision

Site Visit made on 28 September 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/N5090/W/21/3269920

396 Finchley Road, London NW2 2HR

- 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 Kai Reid against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/5731/FUL, dated 27 November 2020, was refused by notice dated 1 February 2021.
 - The development proposed is rear roof dormer extension and conversion of upper floors of 396 Finchley Road into 1x studio and 1x 2 bed flats.
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Decision

1. The appeal is allowed and planning permission is granted for a rear roof dormer extension and conversion of upper floors of 396 Finchley Road into 1x studio and 1x 2 bed flats at 396 Finchley Road, London NW2 2HR in accordance with the terms of the application, Ref 20/5731/FUL dated 27 November 2020, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Council amended the description of development from that originally stated within the planning application to 'conversion of the upper levels into 2no self-contained flats including roof extension including rear dormer window and 3no front facing rooflights.' However, neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Since the determination of the planning application, the London Plan 2021 (LP) was published and superseded policies of the previous London Plan 2016 referred to within the Council's reason for refusal. The Council's statement identified the policies of the LP that it considers particularly relevant, and the appellant had the opportunity to address this through appeal submissions. I am therefore satisfied that no prejudice would be caused by my consideration of the appeal against the policies of the LP, and I have determined the appeal accordingly.
4. Also in the period since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I have had regard to the representations made.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the host property and area.

Reasons

6. The appeal site includes a ground-floor level commercial unit with residential accommodation above. It sits within a group of 4 similar three-storey buildings with pitched roof forms which are part of a small parade that extends up to the junction of Finchley Road with Pattison Road.
7. The Council has not raised an objection to the proposed front rooflights. From the evidence before me and my observations at my visit, I see no reason to take a different view, and my decision therefore focuses on the rear dormer extension.
8. The Council's Residential Design Guidance Supplementary Planning Document 2016 (SPD) includes advice that dormer extensions should normally be subordinate features and should not occupy more than half the width or half the depth of the roof slope. It further outlines that adequate roof slope is required above and below dormers, and that they should generally be set in at least 1m from the party wall, flank wall or chimney stack. The set back of the proposed dormer from the eaves at the rear of the roof and set down from the ridge would be minimal, and it would span the width of the building. As a consequence, it would occupy nearly the entirety of the host roofslope and would be contrary to the SPD guidelines. However, while the SPD provides an indicator of what is likely to be acceptable, it is only guidance, and in considering the proposal it is important to take into account the specific circumstances of the site and proposal.
9. The dormer would be visible from Pattison Road, but this would be restricted to a very short stretch of the street where spacing to the side of the neighbouring dwelling at 1 Pattison Road allows opportunities for views of the rear of the parade. In addition, the set in of the appeal building from Pattison Road means that it would not be a prominent feature in the street scene, and would further help to limit the visual impact of the development.
10. Moreover, I saw a large dormer to the rear of 392 Finchley Road, as well as a small projection above the eaves to the rear of 394 Finchley Road. The Council comments that there is no evidence of planning permission for the dormer to No 392, but it appeared to me to have been in place for some time, and there is no firm suggestion before me that it is unauthorised. Irrespective of the circumstances which led to these features, they mean that the roofline of the group of buildings including the appeal property is not uniform. Across other buildings within the parade, the roof-level variation is further increased including as a result of the higher butterfly roof form and four-storey flat-roof projection to the rear of 388-390 Finchley Road which are on the corner of the parade closest to Pattison Road. Where the dormer would be appreciable, it would be seen together with these features. Given the existing diversity, the dormer would not disrupt a consistent roofline or the overall integrity of the rear of the terrace so as to appear unduly prominent or incongruous. It would also be lower than the roof to Nos 388-390 and would not project significantly higher, wider or deeper than the dormer to No 392. I note the relatively narrow width of the appeal building, but I find as a result that its size would not appear unduly large or excessive.
11. Taking these factors into account, I find that while the dormer would be large, it would sit comfortably to the rear of the host building and that the development would not be out of keeping or visually dominant against its

surroundings. I acknowledge guidance within the Framework that development should be considered taking into account local design guidance and supplementary planning documents. Nevertheless, having regard to the above, I am satisfied that the specific circumstances of the appeal site mean that the proposal would not detract from the character or appearance of the host building, terrace or area. Accordingly, I find that a failure to adhere to standards in the SPD is not sufficient in itself to dismiss the appeal.

12. The proposal would make effective use of the site to deliver an additional dwelling, and I conclude that it would do so without causing unacceptable harm to the character or appearance of the host property or area. I therefore find no conflict with Policy CS5 of Barnet's Local Plan Core Strategy 2012, Policy DM01 of Barnet's Local Plan Development Management Policies 2012 or Policies D1, D3 or D6 of the LP which together broadly seek high quality design that responds positively to local context and distinctiveness.

Conditions

13. I have considered suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary, or for the sake of consistency, brevity or clarity.
14. In addition to the standard time limit, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. I have imposed a condition to require external materials to match the existing building to ensure a satisfactory appearance, and conditions relating to provision of sound insulation and privacy screens in the interests of the living conditions of future and neighbouring occupiers. A condition to require provision of storage for refuse and recycling is necessary to ensure suitable provision and in the interests of the character and appearance of the area, and conditions to require adherence to water efficiency standards and reductions in carbon dioxide emissions are necessary in the interests of resource efficiency and to comply with the requirements of the development plan.

Conclusion

15. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, E010, E011, E019, E020, P010, P011, P019 and P020.

- 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to the first occupation of the development hereby approved, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to and approved in writing by the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).
- 5) Prior to the first occupation of the development hereby approved, the privacy screens shown on drawing Nos. P010 and P011 shall be installed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority, and shall be permanently retained as such thereafter.
- 6) Prior to the first occupation of the development hereby approved, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the development is first occupied, and shall be retained as such thereafter.
- 7) Prior to the first occupation of the development hereby approved, the approved dwellings shall have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters, and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
- 8) Prior to the first occupation of the development hereby approved, the approved dwellings shall have been constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the Building Regulations 2010 (or the equivalent standard if replaced). The development shall be maintained as such in perpetuity thereafter.

End of Schedule