



Appeal Decision

Site visit made on 12 October 2021

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/N5090/D/21/3279290

31 Cloister Gardens, Edgware, HA8 9QJ

- 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 Ashley Shapiro against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/2581/HSE, dated 6 May 2021, was refused by notice dated 5 July 2021.
 - The development proposed is described as:
Demolition of existing entrance porch and replace with glass canopy. Demolition of existing side extension; replace with new painted timber gate between the main building and site boundary fence. Modification of existing roof with one side dormer and two rear dormers; including using loft space for habitable rooms and installation of the 'Velux' roof windows. Internal alteration to the ground and first floors.
Creation of new first floor rear bay window.
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Decision

1. The appeal is allowed and planning permission is granted for:
Demolition of existing entrance porch and replace with glass canopy.
Demolition of existing side extension; replace with new painted timber gate between the main building and site boundary fence. Modification of existing roof with one side dormer and two rear dormers; including using loft space for habitable rooms and installation of the 'Velux' roof windows. Internal alteration to the ground and first floors. Creation of new first floor rear bay window; at 31 Cloister Gardens, Edgware, HA8 9QJ in accordance with the terms of the application, Ref 21/2581/HSE, dated 6 May 2021 and the plans submitted with it, 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 following approved plans: Drawing Nos. 507-A01, 507-A02, 507-A03, 507-A04, 507-A10 Revision A, 507-A11, 507-A12, 507-A13 Revision A, 507-A14 Revision A and location plan.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling, other than the window frames which shall be aluminium and the canopy porch which shall be glass, as stated on the application form/submitted drawings.

- 4) The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted or used as a balcony, roof garden or similar amenity or sitting out area.
- 5) Before the extension hereby permitted is first occupied the proposed dormer window in the side roof-slope facing 29 Cloister Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Preliminary matters

2. At the time of the appeal site visit the property was undergoing significant building works and the roof and some of the upper walls of the building had been removed. Most of the building was shrouded in scaffolding and plastic film. For the avoidance of any doubt, I confirm that this decision is based upon the existing and proposed drawings submitted with the appeal planning application along with the photographs submitted with the appeal and is not based upon any works currently being undertaken on the site.
3. Similarly, for the avoidance of any doubt I confirm that this decision is based upon the substitute drawing Nos. 507-A10 Revision A, 507-A13 Revision A, 507-A14 Revision A and not those originally submitted with the application.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

Reasons

5. Cloister Gardens is primarily characterised by detached and semi-detached family dwellings with hipped roofs, both uniform and varied in their heights. Many of the dwellings have front projecting gables, hips or two storey bay windows with flat roofs and a number have partially flat or crown roofs. At ground floor level there are numerous flat and false pitched roof projections and additions to the rear, side and front of the dwellings. Typically, the dwellings occupy spacious plots and are set behind front gardens, which provide on-site parking and some soft planting.
6. The row of dwellings in which the appeal property is located has a variety of roof forms, including crown and flat roof elements. Most have hipped side roof slopes, although some include dormer windows within them.
7. As shown on the appeal application drawings, the appeal property comprised a detached red brick dwelling with a plain tiled hipped roof. It had a central projecting hip and the roof on the north side of the dwelling was lower than that of the main part of the house. The dwelling occupies a prominent position on the outside of a sharp bend in the highway, where the front elevation of the dwelling provides a focal point in the road when approaching from the west.
8. Generally, the appeal dwelling blended in with the street scene, although, the existing white painted classical style porch was out of keeping with the character and appearance of the dwelling. The flat roof of the rear two storey extension was visible in views from the street scene and appeared awkward and utilitarian. This was due to its height and relationship to the pitched roof

to the front of it. Also, the narrow flat roofed single storey side extension detracted from the proportions of the dwelling.

9. To the rear of the dwelling, the flat roof over the two storey rear extension unbalanced and detracted from the appearance of the rear elevation and roof of the dwelling. The lower ground level of the existing side addition, with its shallow pent roof contributed to the fragmented appearance of the dwelling.
10. The Council has referred to policies CS1 & CS5 of the Barnet's Local Plan (Core Strategy) 2012 (CS), policy DM01 of Barnet's Local Plan (Development Management Policies) (DMP), and Barnet's Residential Design Guide 2016 (SPD), in their decision notice. Collectively and amongst other things these policies and the SPD seek the highest standards of urban design and to ensure that new development preserves or enhances local characteristics. Policy D3 of the London Plan 2021 (LP) seeks to achieve the best use of land by following a landscape led approach. Buildings and spaces should positively respond to local distinctiveness.
11. As advised in the SPD how the scale, massing and height of a building or group of buildings relate to other buildings and spaces is fundamental to a proposals impact on its local character. As a guide the SPD advises that extensions, roof additions and dormers should normally be subordinate to the existing dwelling, roof, etc. The flexibility in this wording acknowledges that this may not always be necessary.
12. The proposed crown roof would respect the pitch of the existing roof shown on the drawings and would provide the dwelling with a uniform eaves height. The dormers would be appropriately sited and sized in relation to the bulk of the roof and the existing fenestration at ground and first floor levels. The proposed mass, eaves and ridge heights and roof pitch would all respect those of other buildings in the immediate area, where there are a number of flat and crown roofs. The proposed front projecting hipped roof would respect the detailing of the adjacent dwelling at 33 Cloister Gardens (No.33).
13. The proposed glass canopy which would replace the former classical porch and the removal of the single storey side extension would declutter the front and rear elevations of the dwelling. The removal of the side extension would also add to the sense of space between the appeal dwelling and the adjacent dwelling at 29 Cloister Gardens. The proposed 4single storey rear extension would respect the proportions of the host dwelling and would sit discretely between the existing rear extension and the rear extension at No.33. The rear first floor bay window would break up the rear elevation and help balance the two dormer windows above.
14. Overall, I find the proposal is well designed and would improve the appearance of the host dwelling, when compared to the existing plans. It would respect and make a positive contribution to the character and appearance of the immediate and wider area.
15. The fallback position referred to by the appellant is a material consideration and simply reinforces my conclusion regarding the acceptability of the scheme.
16. The Council has suggested the imposition of conditions relating to the use of matching external materials and adherence to the submitted Drawings. These conditions are necessary to ensure the development respects the host dwelling

and in the interests of certainty. However, the appellant is proposing to use aluminium framed windows in place of plastic and has introduced a glass canopy porch in place of the classical porch. I consider that both of these changes are acceptable and would improve the appearance of the dwelling. This can be dealt with by modifying the wording of the suggested materials condition. In view of this I find that the pre-commencement materials condition suggested in the Council's delegated report is unnecessary.

17. In their delegated report the Council has also suggested the imposition of conditions to restrict the use of the proposed crown roof and to ensure the use of obscure glazing and restricted opening in various side facing windows above ground floor level. These conditions are both necessary to protect character and appearance of the locality and the living conditions of the occupiers of the adjacent dwellings. However, with regard to the window condition only one new side facing dormer window is proposed. Also, whilst there are two proposed rooflights on the northern facing roof-slope they are high level and so would not result in a material loss of privacy for the occupiers of the adjacent dwelling. Accordingly, it is only necessary to impose the suggested condition for the proposed side facing dormer window.
18. Finally, it is assumed that the proposed condition in the delegated report which refers to an annexe was listed in error as the proposal does not include an annexe.
19. I conclude that the proposal would respect the character and appearance of the host building and would preserve and respond positively to the local distinctiveness of the surrounding area. It would comply with CS Policies CS1 & CS5, DMP Policy DM01, LP Policy D3 and the objectives of the SPD.

Elizabeth Lawrence

INSPECTOR