
Appeal Decision

Site visit made on 7 December 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/N5090/W/21/3275899

55 Athenaeum Road, Whetstone, London N20 9AL

- 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 Nicol Shepherd against the decision of London Borough of Barnet.
 - The application Ref 21/0542/FUL, dated 30 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is demolition of existing dwelling and replacement with 2 storey dwelling with rooms in the roofspace.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and replacement with 2 storey dwelling with rooms in the roofspace at 55 Athenaeum Road, Whetstone, London N20 9AL in accordance with the application 21/0542/FUL, dated 30 January 2021, subject to the Schedule of conditions at the end of this decision.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. 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. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The appeal site is formed of a detached dwelling located within a residential area. Dwellings in the area are predominantly individual varying in terms of design, age and size, with a number extended. A number of properties display prominent roof forms of varying types. No 57 has been recently rebuilt and has a modern appearance with a prominent crown roof. The design of houses

locally, the spacing between them and open frontages results in a pleasant residential environment.

6. Whilst the proposed development would have a greater depth and bulk than the existing dwelling it would be no taller or wider, and its overall proportions would be sympathetic to the scale and form of dwellings along the road. It would sit comfortably between the neighbouring dwellings, retaining gaps either side and would successfully integrate into the street scene maintaining the character of the area.
7. The proposed crown roof design would not be visually dominant but would rather complement the design and form of the property. It would be in keeping with the character and appearance of the area, taking into account the property variations I have identified.
8. I have been directed to the Council's Supplementary Planning Document 'Residential Design Guidance' (2016) (SPD). Whilst the proposal would not fully accord with guidance regarding dormer windows, I find that the proposed dormer window set down from the ridge and set in from the sides and eaves would leave adequate roof slope around it. The size and position of the dormer window would not unacceptably dominate the roof.
9. I conclude that the proposed development would not harm the character and appearance of the area. It would accord with Policies CS1 and CS5 of the Barnet Local Plan Core Strategy (2012), Policy DM01 of the Development Management Policies Development Plan Document (2012) and Policies D3 and D4 of the London Plan (2021) which, amongst other things, require developments to respect local context and distinctive local character; high quality design; proposals to be based on an understanding of local characteristics and a design led approach that optimises the capacity of sites.
10. It would also accord with guidance contained within the SPD which, amongst other things, requires developments to respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context.

Conditions

11. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.
12. In addition to the standard time limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty. Conditions relating to the finished levels, external materials and landscaping have been imposed to ensure a satisfactory appearance.
13. Conditions relating to obscurely glazed windows and preventing additional openings in the side elevations have been imposed in order to safeguard the living conditions of neighbouring occupiers.
14. The Council has suggested removing permitted development rights for the enlargement, improvement or other alteration of the dwellinghouse, construction of additional storeys, additions or alterations to the roof, the construction of a porch, a building or enclosure incidental to the enjoyment of

the dwellinghouse, falling within Classes A, AA, B, C, D, and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

15. I note that the PPG advises that the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. However, given the provisions of the GPDO, the size of the dwelling in relation to the plot and the area's character I determine that permitted development rights should be removed.
16. The Council has suggested a condition requiring detailed information of the refuse bins, recycling containers and cycle parking and storage, however, given the proposal is for a replacement dwelling I find that in this particular instance such conditions would not be necessary or reasonable and have not been imposed. Furthermore, sufficient information is shown on the submitted plans.
17. Based on the information before me no alterations to the existing access are proposed. Therefore, the condition suggested by the Council for details of the alterations to the vehicular access is not necessary. The Council has not provided any justification as set out in the PPG in relation to the conditions for a revised parking layout and for a highway condition survey. As such the conditions have not been imposed.
18. The Council has suggested a condition for a Demolition, Construction Management and Logistics Plan. However, taking into account the modest scale of the development it is unlikely to result in significant levels of traffic or inconvenience to local residents during the construction phase. Therefore, I find that the condition is not necessary or reasonable.
19. The Council has suggested conditions for the development to meet criteria Part M4(2) of Schedule 1 to the Building Regulations 2010 and to include water saving and energy efficiency and carbon dioxide emission reduction measures. These matters are subject to different legislation ie Building Regulations. Furthermore, the informative nature of these conditions indicate they are not necessary. As such, they have not been imposed.

Conclusion

20. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no 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: Existing ground and first floor plans Drawing Number AR/001; Existing elevations Drawing Number AR/002; Proposed Elevations Drawing Number 55AR/005; Proposed ground floor and first floor plans Drawing Number 55AR/006; Proposed loft and roof plan Drawing Number 55AR/007; Proposed side elevation Drawing Number 55AR/008; Block Plan; Outline Block Plan; Outlined Block Plan and Site Location Plan.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development other than demolition work shall commence until details of the materials to be used in the construction of the external surfaces of the development including hard surfaced areas hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to occupation of the development a scheme of landscaping shall have been submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The windows in the side elevations facing 53 and 57 Athenaeum Road shall be non-opening and fitted with obscure glazing prior to occupation of the development and shall then be retained thereafter for the lifetime of the development.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows or doors shall be inserted in the side elevations of the development hereby permitted facing 53 and 57 Athenaeum Road.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration of a dwellinghouse, construction of additional storeys, additions or alterations to the roof, the construction of a porch, a building or enclosure incidental to the enjoyment of the

dwellinghouse, falling within Classes A, AA, B, C, D, and E of Schedule 2, Part 1 shall be carried out.