The Planning Inspectorate

Appeal Decision

Site visit made on 30 November 2021

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date:23RD December 2021

Appeal Ref: APP/N5090/D/21/3283236
21 Sphinx Way, Underhill, Underhill, Barnet, EN5 2NG

- 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 Tasin Reza against the decision of The London Borough of Barnet.
- The application Ref 21/3164/HSE, dated 8 June 2021, was refused by notice dated 13 September 2021.
- The development proposed is a 3m rear extension and loft conversion involving upvc windows and three roof lights.

Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear extension, roof extension involving rear dormer windows and 3no front facing roof lights at 21 Sphinx Way, Underhill, Barnet, EN5 2NG in accordance with the terms of the application, Ref 21/3164/HSE, dated 8 June 2021, subject to the following 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: Site Plan D12; Existing Ground Floor Plan D01; Existing First Floor Plan D02; Proposed Ground Floor Plan D03; Proposed First Floor Plan D04; Proposed Loft Plan D05; Existing Roof Plan D06; Proposed Roof Plan D07; Existing Elevations D08; Proposed Elevations D09; and Proposed Section AA D10.

   3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of the development stated in the banner heading above is taken from the planning application form. I have noted that this differs from the descriptions given in both the appeal form and the Council's decision notice, which also differ from each other. Although the normal convention is to use the description stated in the planning application form, I consider that the one given by the Council in its decision notice provides a more precise description of the proposal. Consequently, I have used that in my formal decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the appeal dwelling and the streetscene.

Reasons

4. The appeal property is a terraced dwelling, which is situated within a recently built estate of houses. A distinctive feature of the development is the large box-style roofs, which have a dominant effect on the streetscene. Whilst the planes of many of the roofs are unbroken, there are a number of examples of rooflights on the front and rear elevations. These are clearly visible in the streetscene.

5. The proposal is to construct a single-storey rear extension across the width of the dwelling. It would project 3m into the existing rear garden. The Council has no objection to this extension and I have no reason to disagree with the Council's assessment. The rear extension would not be visible from Sphinx Way and it would not have an adverse impact on the occupants of the dwellings on either side.

6. The appeal proposal also includes a loft conversion that would require a flat-roofed dormer at the rear and three front-facing roof lights. The Council's decision notice states that the proposed roof lights would have a significant impact on the character of the host site and surrounding area.

7. Reference is made by the Council to Policies CS1 and CS5 of the Local Plan Core Strategy 2012 and to Policies DM01 and DM02 of the Local Plan Development Management Policies 2012. These policies seek to ensure a high standard of design and to protect the character of the area. I consider these to be consistent with the provisions of paragraph 130 of the National Planning Policy Framework 2021 (the Framework), which also states (amongst other things) that developments should be sympathetic to local character and be visually attractive.

8. In reaching my decision, I have also taken into account the Council's Supplementary Planning Document – Residential Design Guidance 2016. I note that it advises in paragraph 14.36 that the Council's preference is for roof lights to be positioned on the rear of properties.

9. The proposed dormer on the rear elevation would change the appearance of the roof, but its scale and position on the roof would ensure a subordinate appearance. Furthermore, it would not be highly visible from the public realm. With regard to the front facing roof lights, they would be relatively small in size and they would not appear as a particularly dominant or visually intrusive feature. In addition, the existence of a significant number of other rooflights nearby, including on other dwellings on Sphinx Way and on Unicorn View, means that the proposal would not be out of character with the surrounding area.

10. For the above reasons, I consider that the proposal would not be unacceptably harmful and it would not conflict with the provisions of the Development Plan or with the Framework, as referred to above.

Conditions

11. The Council has suggested conditions in the event of the appeal being allowed. I have included these in my decision. In addition to the standard conditions relating to the commencement of development and the list of approved plans, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory external appearance.

Conclusion

12. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR