



Appeal Decision

Site visit made on 2 August 2022

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2022

Appeal Ref: APP/N5090/D/22/3295281

57 Shirehall Park, Hendon, London, NW4 2QN

- 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 Jacques Gershoni against the decision of London Borough of Barnet.
 - The application Ref 22/0474/HSE, dated 31 January 2022, was refused by notice dated 3 March 2022.
 - The development proposed is Single storey front and rear extensions following removal of the existing front bay window and associated alterations to existing side extension facing no. 59 Shirehall Park and garage facing no. 55 Shirehall Park including increase in height and conversion of garage into habitable room and alterations to fenestration of front gable. Roof alterations involving changes to roof pitch, crown roof element, 2 no. rear dormers, rooflights to front, sides and crown. (All as permission REF 21/5581/HSE). 2no. side dormers larger than permission ref: 21/5581/HSE.
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Decision

1. The appeal is allowed and planning permission is granted for Single storey front and rear extensions following removal of the existing front bay window and associated alterations to existing side extension facing no. 59 Shirehall Park and garage facing no. 55 Shirehall Park including increase in height and conversion of garage into habitable room and alterations to fenestration of front gable. Roof alterations involving changes to roof pitch, crown roof element, 2 no. rear dormers, rooflights to front, sides and crown. (All as permission REF 21/5581/HSE). 2no. side dormers larger than permission ref: 21/5581/HSE. at 57 Shirehall Park, London, NW4 2QN in accordance with the terms of the application, Ref 22/0474/HSE, dated 31 January 2022, subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with particular regards to the size and scale of the 2 side dormers.

Reasons

3. The appeal property lies within a residential area characterised by a mix of property types and finishes. The row in which the appeal property sits comprises largely of bungalows with roof accommodation. Many of the neighbouring properties have complex roof structures with dormers being common features. The setback position within plots and spacing between the properties positively contributes to the suburban character and varied appearance of the area.

4. The proposed dormers would occupy less than half the width and depth of the existing roof, compliant with the Council's Residential Design Guidance (SPD) whilst the external finish would match the dwelling. Notwithstanding the scale of the approved extensions, the proposed dormer windows are subordinate features within the context of the overall scheme. As such, they would not dominate the host property or cumulatively result in an overly extended roof.
5. Dormer windows within neighbouring properties vary in scale, appearance and location. The proposed dormers would be broadly consistent with those and would not read as incongruous features in the wider street scene. Accordingly, the proposed development would not be detrimental to the character and appearance of the area.
6. Accordingly, I find no conflict with policy D3 of the London Plan, policy CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document, and policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document. Amongst other aspects, these policies seek to preserve or enhance local character and appearance. I also find the proposal to be consistent with the Council's adopted SPD which further seeks to improve the character and quality of an area.

Other Matters

7. Consistent with the Council's appraisal and third party comments, I am satisfied that living conditions of neighbouring occupiers can be adequately safeguarded by a condition.

Conditions

8. I have had regard to the various planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
9. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. Conditions relating to obscure glazing and use of the roof of the extension are necessary in the interests of the living conditions of adjoining occupiers. For the same reason, the Council also suggested a condition restricting certain permitted development rights. Although the PPG indicates that such conditions should only be used in exceptional circumstances, the constrained nature of the site and its proximity to surrounding residential uses, indicates that such a condition is necessary and reasonable in order to protect the living conditions of adjoining occupiers in this instance. A condition requiring matching materials is necessary in the interests of the character and appearance of the area.

Conclusion

10. In concluding this appeal, I find no harm to the character and appearance of the surrounding area. Therefore, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

H Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

1. This development must be begun within three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

2115-NMA-00-01-DR-B-00100 Existing First Floor Plan Rev P1
2115-NMA-00-ZZ-DR-B-00200 Existing Elevations Rev P1
2115-NMA-00-00-DR-B-00100 Existing Ground Floor Plan Rev P2
2115-NMA-00-RF-DR-B-00100 Existing Roof Plan Rev P1
2115-NMA-00-ZZ-DR-B-00300 Existing Sections Rev P1
2115-NMA-00-ZZ-DR-B-00201 Existing Side Elevations Rev P1
2115-NMA-00-ZZ-DR-A-30001 Proposed Block Plan Rev P3
2115-NMA-00-01-DR-A-30100 Proposed First Floor Plan Rev P11
2115-NMA-00-ZZ-DR-A-30200 Proposed Elevations Rev P4
2115-NMA-00-00-DR-A-30100 Proposed Ground Floor Plan Rev P1
2115-NMA-00-RF-DR-A-30100 Proposed Roof Plan Rev P10
2115-NMA-00-ZZ-DR-A-30300 Proposed Sections Rev P4
2115-NMA-00-ZZ-DR-A-30201 Proposed Elevations Rev P10
2115-NMA-00-ZZ-DR-B-00001 Location Plan Rev P1

3. 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 to or used as a balcony, roof garden or similar amenity or sitting out area.

4. Before the building hereby permitted is first occupied the proposed window(s) in the side elevation(s) and rooflights facing no. 55 and no. 59 Shirehall Park shall be glazed with obscure glass only and shall be permanently retained as such thereafter, with windows being permanently fixed shut with only a fanlight opening.

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, doors or rooflights other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing no. 55 and no. 59 Shirehall Park.

6. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

END OF SCHEDULE