The Planning Inspectorate

Appeal Decision

Site visit made on 13 September 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal Ref: APP/N5090/C/22/3292640
21 Dryfield Road, Edgware HA8 9JN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Neetu Ramani against an enforcement notice issued by the Council of the London Borough of Barnet.
- The enforcement notice was issued on 26 January 2022.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a roof extension involving hip to gable, rear dormer window and 2no front facing rooflights.
- The requirements of the notice are:
  1 Demolish the roof extensions including the hip to gable, rear dormer window and 2no front facing rooflights.
  2 Permanently remove all constituent materials resulting from the works in 1. above from the property.
- The period for compliance with the requirements is 5 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice be:

- varied by deleting the words "5 months" within section 6 (Time for Compliance) and its replacement with "9 months".

2. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a) appeal and the Deemed Planning Application

Main issue

3. The main issue is whether the development preserves or enhances the character or appearance of the Watling Estate Conservation Area (CA).

Reasons

4. The appeal property, prior to the current unauthorised development, is a two-storey end of terrace interwar dwelling, situated in a residential area within the Watling Estate Conservation Area (CA). The unauthorised development, the

subject of this appeal comprises a loft conversion which includes a hip to gable extension, a rear dormer extension, and two rooflights in the front elevation. The development provides an additional bedroom and shower room/wc.

5. The Watling Estate Conservation Area Character Appraisal, 2007, explains that the character of Watling Estate is distinctive in terms of its layout, form, scale and building designs and typical of Garden City planning. From my observations at the site visit, despite some variations in materials, I noted that there is a degree of symmetry to the front and rear of the small terraces and a balance to the recessed blocks around greens and turned corners. The combinations of these elements are consistent with the vernacular architectural style of the Arts and Crafts movement and help reinforce a sense of community. Together, these distinctive characteristics make a positive contribution to the significance of the CA.

6. The London Borough of Barnet Supplementary Planning Document: Residential Design Guidance, 2016 (Design SPD) states that dormer roof extensions should "normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope". With regard to hip to gable extensions the Design SPD also states that "consideration will be given to whether or not gable end extensions are a characteristic feature of the street and wider area", and that "the gable should not unbalance a pair of semi-detached houses or a short terrace".

7. I note that the materials of the developments match the existing building and that the existing ridgeline and chimney stack has been retained. However, a particular characteristic and feature of the appeal property, the terrace (of which it forms part) and the surrounding area are the original hipped roofs which have a clear sense of balance and symmetry.

8. Contrary to the design SPD, the rear dormer is full width of the property and occupies a substantial area of the original rear roof slope. Both the hip to gable and large rear dormer roof extensions are not a characteristic feature of the terrace and area generally. Despite the set back from the main carriageway, both the hip to gable extension and rear dormer, which are visible from the street, disrupts the symmetrical form and appearance of the front elevation of the terrace. In this respect the development result in an incongruous addition, which is harmful to the character and appearance of the terrace, and the area generally. As such, it would fail to preserve or enhance the character or appearance of the CA.

9. The harm that I have identified above would be 'less than substantial' in the context of paragraph 202 of the National Planning Policy Framework, 2021 (the Framework). Accordingly, this should be weighed against the public benefits of the development. I acknowledge that the development benefits the appellant's family through the creation of additional living space. However, I am not persuaded that the harm to the character and appearance of the CA would be outweighed by these benefits.

10. I therefore conclude that the development fails to preserve or enhance the character or appearance of the CA as a whole. As a result, it would conflict with Policies DM01 and DM06 of Barnet's Local Plan (Development Management Policies), 2012, Policies CS1 and CS5 of the Barnet's Core Strategy, 2012, the Design SPD, and the Framework, which amongst other things seek to ensure that development is of high quality design; that extensions should be

compatible with the scale and character of existing development; and that development preserves the character and appearance of conservation areas.

Conclusion on Ground (a) and the Deemed Planning Application

11. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

The appeal on Ground (g)

12. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant asks that the time for compliance is extended from 5 to 18 months, in order to provide the appellant with additional time to find alternative accommodation for their family while the works are carried out, as well as find a contractor, a structural engineer and source building materials.

13. The time for completing the requirements should be what is reasonably considered necessary to complete the requirements. I consider that the 18 months requested by the appellant to comply with the notice is disproportionately excessive to complete the requirements. In my view, 9 months would strike a more reasonable and proportionate balance to comply with the notice, to find alternative accommodation for the family and undertake the necessary works. I shall therefore extend the period from 5 to 9 months for compliance with the notice.

14. The appeal succeeds on ground (g), and I shall vary the notice accordingly.

Conclusion

15. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan

INSPECTOR