

Appeal Decision

Site visit made on 11 November 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2022

Appeal Ref: APP/N5090/D/22/3305639

49 Pembroke Road, Muswell Hill, London, N10 2HX

- 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 Julian Nagel against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/2294/HSE, dated 27 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is a rear roof terrace with privacy screening following part demolition of rear sloping roof.
-

Decision

1. The appeal is allowed and planning permission is granted for a rear roof terrace with privacy screening following part demolition of rear sloping roof at 49 Pembroke Road, Muswell Hill, London, N10 2HX in accordance with the terms of the application, Ref 22/2294/HSE, dated 27 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7802_000, 7802_002 (existing and proposed volume), 7802_002 (existing plans), 7802_003, 7802_004, 7802_006, 7802_007, 7802_008, 7802_009, 7802_010.

Main Issue

2. There is one main issue which is the effect of the proposed roof terrace on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. The appeal dwelling is a two-storey, pre-war terraced house with a two storey rear outrigger. It lies in a row of similar dwellings. It has already undergone significant extension at roof level with the addition of large box dormers over the main roof slope and the two-storey outrigger. These have significantly altered the character and appearance of the dwelling at roof level.
-

4. The proposed roof terrace would occupy a modest space behind the dormer on the outrigger. It would be set in from the eaves and set back from the gable end wall which would be retained. The terrace would be accessed via patio doors from the dormer extension and would be surrounded by 1.7m high obscure glazed privacy screening.
5. Although the terrace would necessitate the flattening of part of the roof and the Council's Supplementary Planning Document: Residential Design Guide (SPD), 2016, normally resists flat roofs at second floor, this guidance applies to extensions which would normally be more prominent. By comparison, the proposed roof terrace would be inconspicuous due to its position on the existing outrigger and the retention of the gable end wall which would screen the terrace from the rear. Whilst the privacy screens would be visible from some viewpoints, they would be partly hidden by the gable end, dwarfed by the higher and more prominent roof dormer and their translucent appearance would minimise their presence. Overall, I find that the proposed roof terrace would have a minimal effect on the character and appearance of the already much altered roof and on the dwelling as a whole. In consequence, the limited conflict with the SPD which would not result in material harm would not justify the appeal being dismissed.
6. The appellant has drawn my attention to other larger and more prominent roof terraces in the immediate vicinity. The Council states that these do not have the benefit of planning permission. Nevertheless, it is not suggested that action is being taken to remove them. They form part of the established character of the area and the proposed roof terrace, of more discreet design and in a less conspicuous location, would thus not materially alter or harm the character or appearance of the surrounding area.
7. It is concluded on the main issue that the proposed roof terrace would have no materially detrimental effect on the character or appearance of the host dwelling or the surrounding area. In consequence, there would be no conflict with Policy DM01 of the Development Management Policies DPD, 2012, or Policy CS5 of the Barnet Core Strategy, 2012, which, taken together and amongst other things, expect all development to represent high quality design which preserves or enhances local character and respects the scale, mass, height and pattern of surrounding buildings.
8. In addition to the statutory commencement condition, the Council suggests a condition requiring the development to be carried out in accordance with the approved plans which is necessary to secure certainty and to protect the character and appearance of the host dwelling and surrounding area. However, a condition requiring the use of matching materials would not be appropriate since the proposed materials, and in particular the visible privacy screens which are shown on the submitted plans, are not intended to match. I shall not therefore impose a condition regarding materials.
9. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR