

---

## Appeal Decisions

Site visit made on 28 February 2023

**by R Satheesan BSc PGCert MSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 March 2023**

---

### **Appeal Refs: APP/N5090/C/22/3299961 & APP/N5090/C/22/3299962 35 Wolmer Gardens Edgware HA8 8QB**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeals are made by Amir Dehabadi and Shahin Sabour against an enforcement notice issued by the Council of the London Borough of Barnet.
  - The enforcement notice was issued on 19 April 2022.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of a roof extension including hip to gable and rear dormer.
  - The requirements of the notice are:
    - 1 Restore the roof to its original state prior to the current breach in planning control by removing the hip to gable dormer roof extension and rear dormer, restoring the roof to its original specification with tiles to match the existing as shown in planning application 18/3979/192. This roof restoration should be in accordance with (EXISTING ELEVATION ONLY) plans number 201806/35WG/L/03 D of planning application, 18/3979/192.
    - 2 Remove from the property of all constituent materials resulting from the works in 1. above.
  - The period for compliance with the requirements is 4 Months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) 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. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a roof extension including hip to gable and rear dormer at 35 Wolmer Gardens Edgware HA8 8QB.

### **Appeal on ground (a), the deemed planning application**

#### **Main Issue**

2. The main issue is the effect of the development upon the character and appearance of the host building and area.

#### **Reason**

3. The appeal site relates to a two storey semi-detached property within a residential area, characterised by interwar semi-detached and detached properties with two storey bay windows. The appeal property has been previously extended with a ground floor rear extension. The unauthorised

works, the subject of this enforcement notice, relates to the enlargement to the roof of the property consisting of a hip to gable and rear dormer roof extension.

4. With regard to large roof extensions Barnet's Local Plan Supplementary Planning Document Residential Design Guidance, 2016 (Design SPD) states that consideration will be given to whether or not gable end extensions are a characteristic feature of the street and wider area.
5. The rear dormer is set in from the eaves and sits below the ridge line and is clad in red tiles similar to neighbouring properties in the street. The hip to gable extension unbalances the pair of semi-detached houses (Nos 35 and 37 Wolmer Gardens). However, I observed that there were a variety of roof forms in the area, including hip to gable roof extensions, overhangs to the front of the property, side, and rear dormers of various sizes, all visible from the public realm. Whilst I appreciate many of these would have been built under permitted development legislation and therefore their planning merits would not have been assessed against the Council's development plan policies, these developments nevertheless form part of the existing character and appearance of the area. Therefore, in this context, the hip to gable roof extension and the rear dormer does not harm the character and appearance of the building or area.
6. I therefore conclude that the development does not have a harmful impact upon the character and appearance of the host building and area. In this respect the development complies with Policies CS1 and CS5 of Barnet's Local Plan Core Strategy DPD (2012), Policies DM01 of the Barnet Local Plan Development Management Policies DPD (2012), the Design SPD, and Policy D3 of the London Plan (2021). Amongst other things these seek to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design, and that the gable should not appear out of character within the streetscape.

### **Other Matters**

7. No conditions have been suggested by the Council and as the development appears to be completed, there is no need for any.

### **Conclusion**

8. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development described in the enforcement notice as corrected. The appeals on ground (f) do not therefore fall to be considered.

*R Satheesan*

INSPECTOR