



Appeal Decision

Site visit made on 14 February 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2023

Appeal Ref: APP/N5090/W/22/3305111

71 Finchley Lane, Hendon, Barnet, London NW4 1BY

- 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 Mike Doukaki (Michlo Ltd) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/2563/FUL, dated 12 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is described as "Demolition of the existing dwelling and construction of a two storey plus rooms in the roofspace building comprising of 5no. self-contained flats. Associated refuse/recycling, parking, cycle storage, resubmission of refused application reference (21/5537/FUL), to include amendments to footprint, removal and adjustment of dormer windows and internal room alterations".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that Barnet's Draft Local Plan has been submitted for examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. However, I am not aware of the exact stage it has reached, the extent of unresolved objections or whether its policies will be considered as consistent with the National Planning Policy Framework (the Framework). Consequently, in accordance with paragraph 48 of the Framework, I give it limited weight.
3. Whilst I was carrying out my site visit, I also viewed the appeal site from the rear garden of the neighbouring property at no. 69 Finchley Lane.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. Finchley Lane is a residential street with a mix of relatively large detached and semi-detached houses. Most have 2 storeys, but some are purpose-built 3-storey villas or flatted blocks. The pattern of buildings is quite regular: they are generally set back from the road to a common building line, separated by narrow gaps with fairly large rear gardens. There is a generally consistent original rear building line, although with several later rear additions. Building styles are varied and mainly traditional.

6. The appeal site is occupied by a 2- storey house. On one side, no. 73 is a house of similar size with a later side extension. On the other, no. 69 is a purpose-built block of four flats across 3 floors. Although quite different in appearance, both neighbouring buildings have a hipped roof with a front-facing gable, which reflects the predominant roof forms in the street. Some buildings elsewhere on the road have original front dormer windows and others have had them added. The rear of the appeal site can be seen primarily from the gardens and windows of neighbouring properties, rather than from public spaces.
7. The proposed development would occupy significantly more of the appeal site than the existing house. At ground floor level it would extend beyond the rear of no. 69, which is itself already deeper than its nearby neighbours on this side of the road. This would add further deviation from the prevailing rear building line. I note that no. 69 is already large, but this does not in itself justify an even larger building footprint at no. 71. This is notwithstanding the proposed set-backs to the rear to reduce bulk and mass on the appeal site.
8. In terms of potential for other properties to be extended to the rear with planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015, this would depend on individual site circumstances. In any event, the appeal proposal is for a new building, and I have considered it on its merits.
9. At the front, the proposed roof would be hipped and gabled like its neighbours. The proposed front dormer reflects the style of others in the street. However, to the rear and side the second floor would be set back from the first, resulting in an L-shaped flat roof. There would also be a lower pitched roof on one side and four dormer windows arranged across both sides and the rear of the building. This is a complex arrangement of different roof forms, which would be out of keeping with the generally simpler appearance of buildings on this side of the road.
10. The dormers on one side of the building, whilst somewhat subordinate to the roof pitch, would be visible from the front. They would be substantial dormers with wide cheeks to either side of the windows that would provide both light and additional floorspace to the rooms they serve. This is not a feature of most roofs in the street as originally constructed.
11. I have considered the other examples along Finchley Lane. The context for no. 84 is different as it is on a corner plot. As regards the other side and rear dormer examples given, I do not know the circumstances in which they were constructed. They are mostly later additions of inconsistent design and varying appearance. As such, they do not contribute positively to the character of the local area. It has also been put to me that the proposed development approved, but unbuilt, at no. 49 would involve more flats on a smaller site than the appeal proposal. I do not have full details of that scheme and so cannot make a direct comparison. I have considered the appeal scheme on its merits.
12. I note the earlier appeal decision for this site¹ and the differences in design between that scheme and this one. The overall depth, bulk and mass of this proposal would be smaller by comparison. However, the approach to reducing bulk at the rear would add to the complexity of roof forms described above. The rear building line would still exceed the prevailing pattern. The side

¹ Reference APP/N5090/W/18/3206028

dormers would be smaller but still large and visible from the street. Overall, therefore, the new design would not wholly overcome the harm to the character and appearance of the area identified by the previous Inspector. I also note the further design changes made since a more recent, refused planning application². However, each proposal must be determined on its own merits, and I have considered this appeal accordingly.

13. For the above reasons, I conclude the proposed building would result in unacceptable harm to the character and appearance of the surrounding area. This is contrary to Policy D3 of the London Plan; Policies CS1 and CS5 of Barnet's Local Plan (BLP) Core Strategy (CS) Development Plan Document (DPD); Policy DM01 of the BLP Development Management Policies DPD; the BLP Residential Design Guidance Supplementary Planning Document; and the Framework. These policies support good design to achieve site optimisation and the efficient use of land. They also require development to respect the local pattern of development, and to preserve or enhance the character of surrounding buildings and streets.

Other Matters

14. The proposal would provide four additional homes, which would make a small contribution to meeting housing need in the area. I give this benefit moderate weight. The proposal would also contribute to local economic growth during the construction process and through future occupiers' use of local services and facilities.
15. I note that the standard of accommodation proposed is acceptable and that adequate cycle storage would be provided. I also note the proposed provision of car parking spaces and the proximity of the appeal site to public transport. However, these do no more than is necessary to meet the needs arising from the development, so carry no more than limited weight in favour of the development.
16. As a result, I consider these benefits would not outweigh the harm identified above.

Conclusion

17. For the above reasons and having considered the development plan policies drawn to my attention, I conclude the conflict with Policy D3 of the London Plan, Policies CS1 and CS5 of the BLP CS DPD and Policy DM01 of the BLP DMP DPD means the proposal conflicts with the development plan as a whole. Taking account of the Framework and all other matters raised, I conclude that conflict means the appeal should be dismissed.

C Carpenter

INSPECTOR

² Reference 21/5537/FUL