



Appeal Decision

Site visit made on 22 May 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2023

Appeal Ref: APP/N5090/W/23/3315178

25 Langham Road, Edgware, Barnet HA8 9EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Manuel Daniel Zehaliuc against the Council of the London Borough of Barnet.
 - The application Ref 22/4994/HSE, is dated 10 October 2022.
 - The development proposed is a first floor side extension and alteration to first floor rear extension roof from gable end to hipped roof. Alterations to existing single storey ground extension roof.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension, alterations to main roof and first floor rear extension roof from gable ends to hipped roofs. Alterations to existing single storey ground extension roof at 25 Langham Road, Edgware, Barnet HA8 9EH in accordance with the terms of the application, Ref 22/4994/HSE, dated 10 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: site location plan; drawing no.'s 25LR_0922_120; 25LR_0922_220; 25LR_0922_221; 25LR_0922_222; 25LR_0922_420; and 25LR_0922_421.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

Preliminary Matters

2. The description in the banner above has been taken from the Appeal Form, both parties have confirmed the description change from that originally stated on the application form.
3. In allowing the appeal I have also altered the description of development to include the proposal to change the main roof from gable to hip.
4. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has provided a statement setting out that they would have refused planning permission for the proposal. This forms the basis of the main issue that I have identified.

5. The property has a lengthy planning history, which is summarised in the appellant's statement, I will have regard to it where relevant.
6. The Council's putative reason for refusal refers to the Barnet Residential Design Guidance Supplementary Planning Document (2013). However, as all other such references by the Council are to the Barnet Residential Design Guidance Supplementary Planning Document (2016) (RDG), which is also the document provided by the Council with their Questionnaire. I have assessed the appeal proposal against the RDG.

Main Issue

7. The main issue is the effect of the proposals upon the character and appearance of the host property, the terrace of which it forms part, and the Watling Estate Conservation Area (the CA).

Reasons

8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires with respect to any buildings or other land in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 197, the National Planning Policy Framework (the Framework), sets out matters which should be considered, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
9. The Watling Estate Conservation Area Character Appraisal Statement 2007 (the CAA) sets out that the area contains extensive interwar housing, including terraced and semi-detached housing, developed along 'Garden City' principles. The CA includes many uniformed short terraces of between two and six properties, with hipped roofs and having a balanced and symmetrical appearance. The relatively low density allows spaces between them. Although there is some variety in their appearance, owing partly to later alterations, the terraces have largely retained their distinctive form and layout.
10. No. 25 Langham Road is an end terraced dwelling, which has been much altered, featuring a gable flank end changed from its original hipped roof form, a side extension, porch and two-storey rear extension. The property sits side by side with a similar end terraced hipped roof property, no. 27 Langham Road. The immediate area contains several similar short terraces of housing, few have been extended to their sides at first floor level.
11. Notwithstanding the extensions already undertaken, the proposed first floor side extension's very modest width and location above an existing ground floor single storey extension, together with its set back behind the front elevation of the appeal property, would ensure it appears subordinate to it. Whilst the roof over the proposed first floor extension would not be set below the main roof height or feature a break at eaves level, given the modest width of the proposal and its hipped roof design, it would ensure its design and appearance respected that of the appeal property and the terrace. Consequently, although first floor side extensions are not common in this area, the siting, design, and

limited scale of the proposal in this case would relate sympathetically to, and be proportionate to the appeal property.

12. It is said that the proposed first floor side extension would be 1 metre from the boundary to No. 27 Langham Road (0.75 metres at eaves level). Although, there is a greater distance from No.27's boundary with the appeal property to its flank wall. In view of this, adequate separation would be retained between the properties, thereby ensuring that the proposal would preserve the pattern, layout and separation between buildings in the area and have a neutral effect upon the CA.
13. I note that planning appeal (Ref: APP/N5090/D/19/3221655) was dismissed for a two-storey side extension on this property, however, that side extension proposal was much larger than this proposal and sought to extend closer to the appeal property's side boundary with No.27, and had no set back from the property's front elevation. I find the reduced width of the proposed first floor extension is distinctly different to the earlier dismissed appeal.
14. In respect of the other proposals, the change from gable to hip on the rear two-storey extension would be more reflective of the hipped roof form of the terrace of properties and would relate more sympathetically to the original property. I also note that change was also approved by an earlier appeal (Ref: APP/N5090/D/21/3272742). Furthermore, the proposed roof alteration to the existing single storey side extension, would also relate well to the character and appearance of the property, the terrace and the area. It is noteworthy that the Council also found similarly in respect of these two aspects of the scheme.
15. The gable end on the appeal property's main roof is somewhat of an anomaly in the immediate area. The proposed design change to a hip would reflect the property's original distinctive roof design, and that too of the terrace it forms part, consistent with other such properties in the CA. I also note a change to a hip, without the proposed first floor extension, was found to be acceptable in terms of its effect upon the character and appearance of the property and the area on an earlier appeal decision (Ref: APP/N5090/D/21/3272742).
16. In view of the above, I find the proposals would be in keeping with the character and appearance of the host property, the terrace, and ensure the character and appearance of the CA is preserved. In doing so, the statutory test is complied with. The proposal also complies with the collective requirements of Policy HC1 of The London Plan, The Spatial Development Strategy for Greater London, adopted March 2021, Policy DM01 and Policy DM06 of Barnet's Local Plan (Development Management Policies) Development Plan Document, dated September 2012 and Policy CS5 of Barnet's Local Plan, Core Strategy, Development Plan Document, dated September 2012 that amongst other things, require new development to be high quality, preserve or enhance the distinctive character and appearance of conservation areas, in particular, through the scale of the development and by respecting the pattern of surrounding buildings, spaces and streets, and be sympathetic to the significance of heritage assets. I also find the proposal consistent with paragraph 197 of the Framework and the CAA, by reflecting the design and layout of the short distinctive terraces and ensuring it would preserve the significance of the heritage asset.
17. In addition, although the proposed first floor side extension has some minor conflict with Barnet's RDG, in terms of its roof height, limited setback and the

proximity of its eaves to the party boundary with No. 27 Langham Road. The proposals would meet the broader objectives of Barnet's RDG that seeks extensions that are sympathetic to the host property by reflecting the appearance, design, and character of the area.

18. The Council has referred to the proposal being contrary to Policy CS1 of the CS. Policy CS1 is mainly focussed on broader strategic locations of new development, I did not find this policy to be determinative to the appeal proposal in this case.

Conditions

19. I have imposed a standard implementation condition, along with a condition listing the approved plans to provide certainty over what has been approved. A condition is also necessary to control the external finishes to protect the character and appearance of the area.

Conclusion

20. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

A Hunter

INSPECTOR