



Appeal Decision

Site visit made on 13 June 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2023

Appeal Ref: APP/N5090/W/23/3316015

24A Second Avenue, Hendon, Barnet, London NW4 2RN

- 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 Renata Siepe against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/3131/FUL, dated 13 June 2022, was refused by notice dated 9 August 2022.
 - The development proposed is a side dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have referred to the Barnet Draft Local Plan, 2021-2036, which, since the Council made its decision has been Examined by the Secretary of State. Although it has been through examination and the Council have provided me with a note responding to the Examination Inspectors queries, I cannot be certain when the plan is likely to be adopted, if any policies are to be modified, or if there are any unresolved objections. Moreover, neither of the main parties rely on any emerging policies within their submissions, nor did the Council refer to any emerging policies in their reasons for refusal. Therefore, I attach limited weight to these emerging policies.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the existing property and the surrounding area.

Reasons

4. The appeal property is within one of a pair of semi-detached, three and a half storey houses. The appeal property and its adjoining neighbour are one of four pairs of similar houses with a consistent design and scale, with hipped roofs, small front and rear dormers, stairs to the entrances and set-back from the road. The adjacent property, No.26, is a detached house of a different design and scale.
5. Second Avenue slopes up from Victoria Road. Although, in the wider residential area, there is contrasting architectural form, and a mix of roofscapes, the group of four pairs of houses contribute to the pleasant character of the street scene and the immediate area.
6. The appeal relates to the upper flat which currently includes two rooms in the roof space served by the existing front and rear dormers. The appeal proposal

- is for a side dormer to provide additional space to serve the existing landing and front bedroom.
7. The Barnet London Borough Local Plan Supplementary Planning Document: Residential Design Guidance, 2016 (SPD) provides specific advice on dormer roof extensions in paragraphs 14.30-14.33. With regard to scale the SPD advises that dormers should normally be subordinate features and not occupy more than half the width or half the depth of the roof slope.
 8. The proposed dormer would not comply with either of these criteria. Although of matching materials and designed with a hipped roof to match the roof shape of the main building, the top of the dormer would fill nearly the full width of the roof slope. Moreover, the bottom edge of the dormer is just above the eaves of the existing roof plane and the top of the hipped roof dormer would sit just below the chimney stack. Although, due to the existing hipped roof, there would be sections of roof either side of the dormer the scale and massing would not be subordinate and would be an overly dominant feature on the roof.
 9. Furthermore, even though the three windows proposed in the dormer are designed to be tall and narrow the proportions of the openings do not relate to the proportions of the existing windows in the side elevation of the dwelling, contrary to the advice at 14.33 of the SPD. Despite having a vertical design in themselves the overall width of the dormer has a horizontal emphasis. The width of the dormer would unbalance the side elevation of the existing dwelling resulting in an addition to the roof which would be incongruous.
 10. I acknowledge that the dormer would not be visually prominent when viewed from street level outside the site, on Second Avenue. However, it was evident from my visit that the dormer would be highly visible from the opposite side of Victoria Avenue, in both directions. The roof of the appeal property is clearly seen from these public vantage points and the scale and massing of the dormer would be apparent and visually dominate the existing roof. The dormer would alter the roof plane on the appeal property which is part of a group of similar houses and would, therefore, harm the character and appearance of the area.
 11. For these reasons the appeal before me is different to the side dormer on the adjoining property, No.22, or other side dormers on the same street which, due to being set within the rows of houses are not visually prominent from the surrounding area. Unlike the dormer on No.22 the appeal proposal would not be obscured by neighbouring built form and as such, although it balances the pair of semi-detached houses this is not sufficient justification to allow the harm from the scale and massing.
 12. I have been made aware of other dormers in the area which are visually prominent. However, most of these are rear dormers and I cannot be certain why any of them were approved in the form they were; or whether they were constructed under permitted development. The other dormers, therefore, do not set a precedent to justify allowing the appeal proposal and do not result in the proposal blending in with other features in the surrounding area.
 13. Notwithstanding the appellant's claim, the differences between the current proposal and the previous planning permission at the appeal site¹ are not

¹ Council reference 22/2008/FUL

inconsequential. The proposal would have a significantly greater impact on the character of the area than the much smaller dormer previously approved.

14. For these reasons I find that the scale and mass of the side dormer would have an adverse effect on the character and appearance of the existing property and the surrounding area. It therefore fails to comply with the requirements of Policies CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document, 2012 (CS) and DM01 of the Barnet's Local Plan (Development Management Policies), 2012 (DMP) which, taken together, seek to ensure that development in Barnet respects local context and character and seeks to ensure that all development is of high quality, based on an understanding of local character, scale, mass and height, amongst other matters.
15. The proposal would also not comply with the guidance set out in the SPD which seeks to ensure that development responds to the positive features of the character of an area and normally requires dormer additions to be subordinate to the original house and not be overly dominant.
16. For the same reasons, the proposal would also fail to comply with Policy DM3 of The London Plan, The Spatial Development Strategy for Greater London, 2021, which seeks to ensure that all development is design-led and considers and enhances local context and distinctiveness.
17. Furthermore, the proposal would conflict with Policy CS05 of the Barnet Draft Local Plan, 2021-2036. This emerging policy seeks to ensure that extensions complement the character of the existing building and are subordinate in terms of size, scale and height. As such this policy does not materially change the approach of the adopted development plan insofar as it relates to this main issue.

Other Matters

18. I accept that there is restricted headroom and no natural light to the top of the stairwell of the existing property. However, I have limited evidence before me that the current proposal would be the only means of achieving this. Even if I were to accept that the improvements would deliver some benefits to the occupants of the property, noting the previous consent for a dormer, this does not justify the scale and massing of the proposal. Moreover, that the dormer would not adversely effect the living conditions of neighbouring properties and that there have been no objections received weighs neither for nor against the appeal proposal.

Conclusion

19. For the reasons given above I conclude that the proposal would conflict with the development plan as a whole, including the Local Plan. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR