



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/23/3316258

82A Victoria Road, Hendon, Barnet, London NW4 2RT

- 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 Cityquick Estates Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/4452/FUL, dated 2 September 2022, was refused by notice dated 25 November 2022.
 - The development proposed is alterations to the roof including the erection of a rear dormer window to facilitate a loft conversion.
-

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 host dwelling is a mid-terrace house within a residential area. The roof planes, as viewed from street level are predominately clear to the front, though there are numerous rear dormers viewable on the streets leading off Victoria Road. There are street trees and boundary hedges which provide a positive greening to the street. The terraces and on-street parking enclose the streets and, along with the trees and hedges, contribute positively to the character of the area.
5. The appeal property has been subdivided into two flats, one on the ground floor and one at the first floor. The appeal proposal is for a rear dormer to enable the conversion of the loft space to a bedroom. The dormer is designed with a flat roof and a single, wide, window.

6. 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.
7. Even if I were to accept that the height would not occupy more than half the depth, the proposal would clearly occupy more than half the width of the roof slope. The width of the dormer would be substantially wider than half the width and, although it is set in from the raised parapets, it would be overly dominant and out of proportion with the host dwelling.
8. Moreover, the width of the overall window, with three sections, would result in a window which would have a significant horizontal emphasis. The existing windows in the property are all vertical with greater height than width. Although each of the three sections are of a similar design to the windows in the house the proposed window in the dormer would not reflect the proportions of the existing windows which would be contrary to the advice at 14.33 of the SPD.
9. The width of the dormer, and the window, would unbalance the rear elevation of the dwelling resulting in a bulky addition to the roof which would not be subordinate to the host dwelling. Despite being to the rear of the dwelling, centrally located, of matching materials, and even though sections of existing roof slope would still be seen around the dormer, it would be visually incongruous due to its scale and mass.
10. I acknowledge that the SPD is guidance, not adopted policy, and that the wording allows some flexibility. However, the flexibility should still be within the overall aim of dormers being sympathetic to the original dwelling and not being overly dominant. The guidance regarding the position, scale and proportions are provided to ensure that proposals meet the general aims of the SPD, which reflects the advice within the Development Plan policies.
11. That the current proposal is not visible from the street scene does not alter my decision on the main issue. The dormer would be visible from the gardens of neighbouring properties, and I saw on my visit that it would be visible from the nearby flats and their parking area. Due to its scale and mass, the dormer would be prominent on the roof and detract from the character and appearance of the area.
12. I do not have the precise details of the other dormers in the area that have been brought to my attention, and I cannot be certain why any of them were approved in the form they were; or whether they were constructed under permitted development. That there are other dormers in the area, some of which are also large rear dormers and some of which are more prominent due to being on corner properties, therefore, they do not set a precedent to justify allowing the appeal proposal.
13. For the above reasons I find that the rear 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.

14. 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 extensions and dormer additions to be subordinate to the original house and not be overly dominant.
15. 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.
16. 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

17. The appellant asserts that the size of the dormer is required to provide more usable space within the loft and contends that the previous approval¹ does not allow for meaningful and usable floorspace in the loft. However, that approved scheme, which I have been sent a copy of, shows a double bedroom in the loft. The plans also show space, within the dormer, either side of the bed. I, therefore, have little evidence before me that the bedroom, as previously approved, would have been excessively small and contrived and would not have functioned as a bedroom. The preferences of the property owner for a larger bedroom does not outweigh the harm identified above.
18. My attention has also been drawn to another previously approved scheme², which the appellant suggests the current proposal replicates. However, from the evidence provided this older permission is a similar width as the above previous approval and substantially narrower than the appeal before me. I have assessed the appeal before me on its own merits and against the adopted Development Plan. Neither of the previous approvals for dormers referred to would justify the effect of the current proposal on the character and appearance of the existing property and surrounding area.

Conclusion

19. For the reasons given above, the proposal would conflict with the development plan as a whole, including the London 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

¹ Council reference 22/2848/FUL

² Council reference 18/6514/FUL