



Appeal Decision

Site visit made on 10 January 2023

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2023

Appeal Ref: APP/N5090/D/21/3279159

5 Robin Lane, London, NW4 1EU

- 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 Mr K Jan against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 20/5706/RCU, dated 23 November 2020, was refused by notice dated 22 June 2021.
 - The development proposed is described as: Roof extension involving rear dormer window and front rooflights.
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Decision

1. The appeal is allowed, and planning permission is granted for a roof extension involving rear dormer window and front rooflights at 5 Robin Lane, London, NW4 1EU in accordance with the terms of the application, Ref: 20/5706/RCU, dated 7 December 2020, including drawing number ST_MAR20_5ROB_001 revision A.

Preliminary Matters

2. The works have already been carried out and I was able to see them when I visited the site. Whilst the planning application form and the Council's decision notice describe the works as 'retrospective', Section 55 of the Town and Country Planning Act 1990 (the TCPA) describes development as the carrying out of building operations, or the making of material changes of use, as opposed to their retention or continuation. Section 73A of the TCPA makes allowance for the submission of a planning application for development which has been carried out before the date of the application and, consequently, I have considered the planning appeal on that basis and omitted the word 'retrospective' from the description.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The application site is a semi-detached, traditionally built, bungalow with rooms within the roof space. It has rendered walls under a tiled roof. A large box dormer has been constructed on the rear roof slope together with a hip to gable conversion of the roof, which form the subject of this appeal. The appeal building is one of a number of pairs of semi-detached bungalows situated on

- Robin Lane. The appeal building is not listed, nor it is within a conservation area.
5. Robin Lane is a narrow street with built development, which includes the appeal site, to one side and the rear gardens of the two storey houses on Holders Hill Avenue to the other. To the rear of the houses on Robin Lane is a path and a wooded embankment with the A1 road beyond. Many of the houses on Holders Hill Avenue have had rear extensions and/or rear dormer windows added. On most of these houses where a rear dormer has been added the hipped roof has also been altered to a gable end.
 6. The appeal proposal seeks permission for a hip to gable extension and a large box dormer that encompasses the whole width of the rear roof plane of the appeal building. The works have been carried out and, from the submitted evidence, they were completed in early 2004.
 7. I observed when I visited the site that it is likely that when originally constructed, all of the bungalows on Robin Lane were essentially identical with tiled, hipped, roofs and rendered external walls. However, within the street there have subsequently been numerous roof alterations in the form of a variety of dormer window extensions on both front and rear roof planes, and hip to gable conversions. Many of the properties have also had extensions added to the front, or rear, elevations, or to both. Because of this, any inherent symmetry to the buildings and regular rhythm of the roof forms that originally existed has been very much diluted.
 8. It was also clear when viewing the rear of the bungalows forming the street from the path that runs along the rear boundaries, and from the elevated position of the footway adjacent to the A1, that there are a number of extensions which are essentially similar to the appeal proposal, in particular at numbers 1, 3, and 7 as well as several other examples further along the street.
 9. The Council Planning Officer's report accepts that many of the properties in the near vicinity have benefitted from various additions including hip to gable and rear dormer window extensions. It does, however, also note that that majority of the other hip to gable extensions and dormer extensions were carried out as permitted development. Although this may well be the case, regardless of how these alterations came about, they are now a part of the character of the surrounding area.
 10. When viewed from Robin Lane, the hip to gable extension at the appeal building is seen in context with the existing hip to gable extension at number 6 Robin Lane. The dormer window on the rear roof plane is barely visible from Robin Lane as a result of the proximity of the gable ends. The extension is more visible from the path to the rear and from the footway adjacent to the A1. From this viewpoint it is seen in context with an assortment of dormer windows, in particular the large box dormers to the rear of numbers 1, 3, 6, 7, and 8. As a result, the extension is not perceived as either excessively large or incongruous, set as it is amongst a roofscape characterised by large dormer windows.
 11. Although the Council suggest that the hip to gable conversion unbalances the pair of semi-detached properties, I saw that approximately seven other pairs of bungalows, just under half of those on the street, also have a similar roof configuration where one property has a gable end and the other a hip. This is

therefore not an uncommon feature in the area. I also saw that there are a number of other properties where there is a step in the roof plane to accommodate ground level changes in the street. As set out above, the repeating pattern of hipped roofs that would have existed when the street was originally built has now been largely lost through incremental changes to the roofs of most of the bungalows irrespective of how these came to be accepted. Therefore, these features of the appeal proposal are not unique in the street, nor do they detract from its overall appearance.

12. I recognise that the extensions at the appeal building do not comply with the guidance in the Council's Residential Design Guidance Supplementary Planning Document 2016 (the SPD) in respect of dormer and hip to gable extensions. The SPD does, nonetheless, also expect extensions to fit into the street by taking account of the group value, character, and established form of development along the street, and using a design and facing materials which blend in with the character and appearance of the existing house. The extension is rendered to match the remainder of the house and the form is consistent with the built form of other extensions and the resulting roofscape in the remainder of the street. It is also consistent with other built form nearby at Holders Hill Avenue where large rear dormers and asymmetric roof configurations on pairs of semi-detached and houses are very prevalent and much more visually prominent than the appeal scheme.
13. As such, the development does not offend Policies CS1 and CS5 of the Barnet Core Strategy (2012), or Policy DM01 of the Barnet Development Management Policies Development Plan Document (2012) which, when read together, expect new development to be based on an understanding of local characteristics to ensure that it respects local context and distinctive local character, and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Whilst it is not wholly compliant with the guidance the SPD, the SPD is guidance only and its language is advisory rather than prescriptive.
14. I therefore conclude that the proposed development does not cause harm to the character and appearance of the area. It would comply with the relevant requirements of Policies CS1 and CS5 of the Barnet Core Strategy and Policy DM01 of the Barnet Development Management Policies Development Plan Document.

Other Matters

15. I have noted that the Council have not raised any concerns in respect of the effect of the proposed extension on the living conditions of the occupiers of neighbouring properties. From what I have read and from what I saw when I visited the site, I have no reason to find differently.
16. The Planning Officer's report refers to an enforcement notice being served in 2005 requiring the removal of the rear dormer and hip to gable extension. This was followed by a planning application which sought their retention and that was subsequently refused in 2006. I have not been advised whether or not the enforcement notice was withdrawn. However, in the absence of any other evidence and in view of the elapsed time since these events, some 16 years, I have to conclude that the Council no longer consider it expedient to pursue the enforcement notice.

Conditions

17. As the development has been carried out and has been rendered to match the existing building, it is not necessary to impose either a commencement condition or a condition in respect of the external materials. I have specified the approved drawing in the formal decision to provide clarity in respect of what has been granted planning permission. Neither party has suggested that any other additional conditions would be required, and I have no reason to disagree.

Conclusion

18. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

John Dowsett

INSPECTOR