



Appeal Decision

Site visit made on 14 August 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Appeal Ref. APP/N5090/D/23/3323067

81 Templars Avenue, London NW11 0NR

- 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 Emmanuel Nwakanma against the decision of the Council of the London Borough of Barnet.
 - The application ref. 22/4309/HSE, dated 23 August 2022, was refused by notice dated 13 March 2023.
 - The development proposed is: "Two storey side/rear extension. Roof extension involving partial hip to gable, rear dormer and 1no front facing rooflight following removal of existing chimneys".
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the proposed development in the heading above is taken from the Council's decision notice and the appeal form. I have adopted this description of the proposed works as it is more complete than the one provided at page 4 of the application form. That said, the scheme also involves a small single storey rear extension and minor changes to the front elevation.

Main issue

3. The main issue is the impact of the proposed development upon the character and appearance of the dwelling and the locality.

Reasons

4. No. 81 is a 2-storey detached house which has been extended since its original construction. It is situated in a row of 12 detached residential properties (nos 69-91) of similar design on the eastern side of Templars Avenue between its junctions with Portsdown Avenue and St George's Road. The front of the property faces the junction with Highcroft Gardens. Next to its rear boundary is one of the low-rise commercial units that characterize Portsdown Mews, a narrow lane a short distance behind Finchley Road.
 5. The original hipped roof over no. 81 has been respected in the earlier 2-storey side and rear extension. The Council did not raise concerns about the proposed
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- raising of the gable wall on the northern side elevation to create a partial hipped end or about the changes to the front elevation. The scheme would not have a disruptive visual effect upon the front elevation of the appeal property as viewed from Templars Avenue or Highcroft Gardens.
6. The Council took exception to the alleged bulkiness of the proposed rear dormer and said that cumulatively with the proposed first floor rear extension, it would appear as an insubordinate and dominant addition.
 7. To my mind, the proposed rear dormer would be problematical as it would plainly not be modest in design terms and as I do not accept that public views of it from outside the site would be extremely limited.
 8. Given the position of no. 81 towards the centre of the row of 12 houses, the proposed rear dormer would not be prominent in public views from Portsdown Avenue or St George's Road. However, it would be very noticeable when approaching along the north-south leg of Portsdown Mews from the north and even more so when approaching westwards along the shorter east-west leg of Portsdown Mews from Finchley Road, magnified by the way the rear roof looms above the Car Centre at 17-25 Portsdown Mews. This latter viewpoint was not included in the selection of photographs in the appellant's statement which is surprising as a portion of the appeal property's rear roof can be glimpsed from even the eastern side of Finchley Road itself. Owing to its size and the prominence of the rear roof, the proposed rear dormer would have a considerable impact on the public realm.
 9. Both horizontally and vertically, the proposed rear dormer would cover a significant proportion of the rear roof. Being built up to the line of the new half-hipped roof on one side, distorting the roof shape by being presented as a continuation of the sloping hipped wing on the other, rising above the proposed crown roof over the 2-storey side/rear extension and when viewing from the rear, having no visibly higher section of roof as a backdrop to its southern half, the proposed rear dormer would create the appearance of an awkward and bulky large box and would give the property a top-heavy appearance.
 10. The degree to which the dormer would be set back from the property's rear building line, marked by the proposed 2-storey side/rear extension, would not be sufficient to mitigate against the harmful visual impact. Rather, when considered cumulatively with that other partly flat-roofed addition, the sheer size of the dormer would be a step in the wrong direction in terms of scale and proportion in comparison to the existing house. Moreover, the dormer's 4-light bedroom window would be far wider than any of its counterparts below, adding to the dormer's dominance and adverse visual impact.
 11. Even though matching roof tiles would be used in its construction, I consider that the proposed rear dormer, by virtue of its size, siting, design, scale and mass, added to its cumulative impact with the proposed 2-storey side/rear extension, would be out of keeping with the form and scale of the host property and amount to an overly bulky addition that would dominate the rear roof. In turn, given its visibility from public viewpoints, the rear dormer would detract from the character and appearance of its surroundings.
 12. That the scheme eschews the guidance in the Council's *Residential Design Guidance* Supplementary Planning Document (SPD), adopted in October 2016,

confirms the findings I have reached. The SPD explains that dormer roof extensions should normally be subordinate features on the roof. They should not occupy more than half the width or half the depth of the roof slope and should not normally be wider than the window below. The SPD clearly carries weight as a material consideration in decision making but it contains recommendations as opposed to planning policy and should not be applied prescriptively to the exclusion of all other factors, including the physical circumstances and context of a site. Still, in this case, the Council had a reasonable expectation for the SPD to be more closely respected given the prominence of the appeal property's rear roof slope in the public realm.

13. There are sizeable flat-roofed rear dormers at 5 other properties (nos 69, 73, 83, 87 and 89) in the same row of 12. This means that the majority of houses in the row which remain without such a dormer type contribute significantly to the locality's character. I have no evidence of the Council recently granting planning permission for any large flat-roofed rear dormers hereabouts, and therefore considering them acceptable. It is reasonable to assume that all or most of the other rear dormers came about through historic planning decisions, permitted development rights or certificates of lawfulness (as at no. 83) or are unauthorised or have become lawful through the passage of time. They do not justify the appeal scheme in the face of the harm it would cause.
14. The proposed development would not represent a visually attractive solution that would add to the overall quality of the area. It would not be sufficiently respectful of or complementary to the host building's character or to local character more generally. I find on the main issue that the proposed development would harm the character and appearance of the dwelling and the locality. There would be conflict with Policy DM01 of Barnet's Local Plan Development Management Policies September 2012 and with Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (CS) September 2012. Viewed in the round these policies, amongst other things, seek to ensure development respects local context and distinctive local character by creating places and buildings of high quality design and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
15. The National Planning Policy Framework, in seeking to achieve well-designed places, advises that good design is a key aspect of sustainable development; so, development should add to the overall quality of the area and be visually attractive as a result of good architecture and sympathetic to local character. I consider that the appeal proposal is ill-judged in these important respects.
16. The Council, correctly in my view, did not identify an excessive loss of amenity for neighbouring properties for any reason. The lack of harm in that regard does not outweigh the harm I have found under the main issue.
17. The appellant directs me to the Council's recent planning performance and in particular to the number of appeals concerning householder developments which are allowed in the borough. This has been noted but each appeal turns on its own merits. Regarding the main points the appellant has picked up from the 4 previous appeal decisions cited, I would make the following 4 comments corresponding to the order in which they are presented in the appeal statement: Policy CS5 of the CS does not relate directly to living conditions but the reason for refusal in the appeal before me did not cover this issue; Policy

CS1 (not CS01) of the CS cannot be ignored as it refers to Policy CS5 and the accompanying desire to protect and enhance those high quality suburbs outside conservation areas (like Templars Avenue); the rear box dormer before me would be prominent in public views and the majority of other properties in the local street scene do not feature them; and, finally, I found that the proposed rear dormer would be a “*bulky*” feature which would not be “*predominantly screened from public viewpoints*”, so the conflict with the SPD could not be so easily set aside.

18. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations, including the enhanced accommodation and additional habitable floor space the scheme would bring about.

Conclusion

19. For the reasons given above and taking into account all other matters raised and the absence of objections from local residents, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR