
Appeal Decision

Site visit made on 25 November 2023

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/N5090/D/23/3329679

64 Uphill Road, Mill Hill, Barnet, London NW7 4QE

- 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 A Green against the decision of the Barnet London Borough Council.
 - The application Ref 23/2162/HSE, dated 16 May 2023, was refused by notice dated 29 August 2023.
 - The development proposed is erection of 2 no. side dormer windows (fixed and obscure glazed) at first floor.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 no. side dormer windows (fixed and obscure glazed) at first floor at 64 Uphill Road, Mill Hill, Barnet, London NW7 4QE in accordance with the terms of the application, Ref 23/2162/HSE, dated 16 May 2023, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: elevations as proposed WHB-MA [20]0103 Rev P02, elevations as existing & approved WHB-MA-[20]0102 Rev P01, floor plans WHB-MA-[20]0100 Rev P03, site location and block plans WHB-MA-[20]0013 Rev P01.
 - 4) Before the extensions containing the dormer windows hereby permitted are first occupied, those side dormer windows shall be glazed with obscure glass and fixed closed and shall be permanently retained as such.

Main Issue

2. The main issue in this appeal is the effect of the appeal proposal on the character and appearance of the existing building, the street scene and the wider locality.

Reasons

3. The appeal property is a replacement house built in accordance with application ref 18/2978/FUL, as amended. A planning application for the erection of first floor side extensions to that house was approved by the Council in 2021 (ref 21/0633/HSE). This scheme has not yet been implemented. It is now proposed to erect two side dormer windows at first floor level in the roof slopes of the approved side extensions. In this appeal it is necessary to determine the effect of the appeal proposal on what is there now, that is the replacement dwelling, alongside the recently approved scheme of extensions to it.
4. The proposed dormer windows would be a modest size and an expanse of the side extensions' roof slopes would remain visible around them. Their siting, proportion, design and materials would reflect those of the existing front and roof level dormers. In terms of their cumulative impact, the dormers would not appear bulky or conspicuous within the approved side extensions, or the resulting house viewed as a whole, but would be subordinate features. Whilst there are other dormers, the additions would not lead to an unacceptably cluttered appearance. Additionally, although they would not be sited on the main roof, the dormers would comply in principle with the detailed guidance set out in the Residential Design Guidance (SPD) for dormer windows.
5. The character of the area around the appeal site is varied. Uphill Road contains large, detached buildings of varied design and materials. There are also examples of front and side elevation dormer windows in the locality. Within this context the proposed development would not appear incongruous in views from the road and would accord with the character and appearance of the street scene and wider locality.

Other matters

6. In addition to the main issues discussed above, there are local resident objections to the appeal proposal. These relate to loss of privacy, overshadowing, overbearing effect and sense of enclosure. However, these issues were addressed by the Council in determining application 21/0633/HSE. The current proposal would introduce slightly more massing and new windows close to the boundaries. However, the effects of this proposal would be little different to the approved scheme. Furthermore, the proposed side dormer windows would not serve habitable rooms. Therefore, I agree with the Council that there would be no harm to the living conditions of the neighbouring occupiers. A condition is imposed requiring that the side dormers are obscure glazed to ensure that this remains the case.

Conclusion

7. I conclude that the appeal scheme would respect the character and appearance of the appeal property. It would relate appropriately to the site's context, thereby respecting the surrounding area. Accordingly, the proposal complies with Policy CS5 of the Barnet Local Plan (Core Strategy) DPD, Policy DM01 of the Barnet Local Plan Development Management Policies) DPD and the similar design requirements of the SPD, Policies D1, D3 and D6 of the London Plan and the National Planning Policy Framework.
8. For the reasons set out above and having regard to all other matters raised the appeal is allowed.

Conditions

9. A condition is necessary requiring the use of matching materials to preserve the character and appearance of the surrounding area. I have included a condition identifying the approved drawings for the avoidance of doubt and in the interests of proper planning. In accordance with the terms of the application and to safeguard the privacy of neighbouring occupiers, the glazing in the approved dormer windows should be obscured and the windows fixed shut and retained as such.

Elaine Benson

INSPECTOR