

Appeal Decision

Site visit made on 5 January 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/N5090/D/23/3327541
352 Long Lane, Finchley, London, N2 8JX

- 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 P Heathcote against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/2367/HSE, dated 26 May 2023, was refused by notice dated 25 July 2023.
 - The development proposed is a hipped to gable and rear dormer extension and 3 front rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for a hipped to gable and rear dormer extension and three front rooflights at 352 Long Lane, Finchley, London, N2 8JX in accordance with the terms of the application, Ref 23/2367/HSE, dated 26 May 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 23.7858/M001, 23.7858/M002, N2-8JX-352-01A, N2-8JX-352-02D.
 - 3) 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.

Procedural matter

2. At the time of my site visit the appellant had undertaken a hip to gable roof conversion with a rear box dormer under permitted development (PD) rights. It is understood that this extension is the subject of a Lawful Development Certificate (LDC) granted by the Council.

Main Issue

3. There is one main issue which is the effect of the proposed loft conversion on the character and appearance of the host dwelling, the attached terrace and the street scene of Long Lane.
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Reasons

4. The appeal dwelling is an end of terrace house in a street characterised on the south-west side, where the appeal dwelling lies, by similar dwellings arranged in short terraces and semi-detached pairs. Most of the end terraces and semi-detached dwellings have gable ends, a majority of which appear to be original. Some dwellings also have rear dormers and may have undergone hip to gable conversions. In any case, this roof form is characteristic of the street.
5. The appeal dwelling is located adjacent to a non-attached gable ended dwelling, No 354, whilst the dwelling at the other end of the adjoining terrace of four retains a hipped roof. Owing to the distance between the ends of the terrace, the proposed gable end would not noticeably unbalance the terrace and the proposed gable end would sit comfortably adjacent to the existing gable end at No 354.
6. The proposed box dormer would occupy most of the rear roof slope but would be set in from either side of the dwelling, up from the eaves and below the ridge. Although large and not in conformity with the Council's Residential Design Guidance Supplementary Planning Document (SPD), 2016, it would not appear materially larger or more prominent than a similar dormer on No 348, one of the dwellings in the adjoining terrace, or other similar dormers visible from the appeal site.
7. Moreover, although it would be larger than the dormer that has been constructed under the LDC, it would have no material effect on the character or appearance of the street scene of Long Lane. Neither would it have a materially greater effect on the appearance of the rear of the dwelling, particularly in view of the two storey rear outrigger, which extends beyond the main rear elevation of the dwelling, limiting the extent to which the additional size of the dormer would be discernible from the rear.
8. The appellant draws my attention to a number of similar box dormers on properties in Long Lane and the adjoining Brighton Grove which have been allowed either under PD rights, by the Council following a planning application or on appeal. I agree that these are sufficiently numerous to carry significant weight when assessing the effect of the appeal proposal on the character and appearance of the area.
9. Finally, the fact that a similar scheme to the appeal proposal, including a hip to gable conversion and box dormer, has been implemented under PD rights is a material consideration carrying substantial weight.
10. It is concluded on the main issue that the proposed loft conversion would have no materially detrimental effect on the character or appearance of the host dwelling, the attached terrace or the street scene of Long Lane. Neither would it cause material harm to the character or appearance of the surrounding area.
11. In consequence, there would be no conflict with Policy D3 of the London Plan, 2021 or Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy), 2012. These are strategic policies and although they expect local context and distinctive local character to be respected, the proposed extension would comply with this. Turning to Policy DM01 of Barnet's Local Plan (Development Management Policies), 2012, whilst this requires high quality design, it also

suggests that proposals should be based on an understanding of local characteristics and should preserve or enhance local character. Therefore, although there would be limited conflict with the design aspirations, there would be no material conflict with the objectives of the policy, given the particular circumstances. Finally, there would be conflict with guidance contained in the Council's SPD with regard to scale and proportion. Nevertheless, overall, I find that the limited conflict with Policy DM01 and the SPD would be clearly outweighed by other material considerations and the appeal should be allowed.

12. Turning to conditions, although a loft extension has been carried out, this is not the same as the appeal proposal and whilst similar, I cannot be certain that it would amount to an implementation of the appeal scheme. Therefore, conditions remain necessary because the appeal scheme could be implemented in the future. In addition to the statutory commencement condition, the Council suggests two further conditions. I agree that materials should match those used in the existing building and that the development should be carried out in accordance with the approved plans in order to protect the character and appearance of the area and to provide certainty.

13. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down

INSPECTOR