
Appeal Decision

Site visit made on 6 February 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2024

Appeal Ref: APP/N5090/W/23/3322146

38A Birkbeck Road, Mill Hill, London NW7 4AA

- 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 Timothy O'Shea against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/0853/FUL, dated 28 February 2023, was refused by notice dated 26 April 2023.
 - The development proposed is enlarging existing dormer to rear roof and constructing new dormer to rear side roof.
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Decision

1. The appeal is allowed, and planning permission is granted for enlarging existing dormer to rear roof and constructing new dormer to rear side roof at 38A Birkbeck Road, Mill Hill, London NW7 4AA in accordance with the terms of the application Ref 23/0853/FUL, dated 28 February 2023, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. While the appellant has described the proposal as in the above heading, the Council has additionally referred to new roof lights on the front roof slope. From my inspection of the plans, the Council's description more fully reflects the development sought. I have assessed the proposal on that basis.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. The Framework does not raise any new matters that are determinative to the outcome of this appeal.

Main issue

4. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

5. The appeal property is the first floor flat in a 2-storey mid-terrace building within a predominantly residential area. Like No 38A, the attached property to one side of the site has an existing dormer on the main rear roof slope. I also saw that several properties in the adjacent terrace and further afield include large box-like rear dormers, which vary in size, design and general appearance. These high-level extensions form part of the character and appearance of the area to which No 38A belongs.

6. The proposal would take the form of an L shaped dormer extension on the roof of the 2-storey projection and the main building at the rear of No 38A, together with a Juliette style balcony. The Council's Supplementary Planning Document, *Residential Design Guidance* (SPD) provides advice in relation to this type of extension. It states that dormer extensions should normally be subordinate features of the roof and should not occupy more than half the width or half the depth of the roof slope. Given the size and position of the new dormer, it would not adhere to this guidance.
7. Nevertheless, the host roof is fairly narrow and so the new dormer would not be large even though it would occupy almost all the main rear roof slope and roughly one half of the roof to the projection. The proposal would take up only a modest proportion of the combined rear roofs of the terrace and, in that context, it would appear as a proportionate addition. To my mind, the rear roof of the terrace, which contains existing dormers is not of such architectural character that it demands clean, unbroken roof lines.
8. The new dormer would not be readily evident from Birkbeck Road given its position at the back of the property and the screening provided by the host terrace. The rearmost section of the proposal would be glimpsed from some distance at an upward oblique angle from Tennyson Road just beyond the rear of the site. In these views, the proposal would not draw the eye given the presence of roof level extensions beyond and the varied built form with which it would be visually 'read'. Similarly, the modest depth of the rear gardens of the properties on either side of the host building coupled with the screening provided by the terrace itself would mean that upward views from any one garden towards the roof of No 38A would be limited. The addition of a new dormer structure, as proposed, would not therefore be harmful.
9. From what I saw, other properties in the local area include dormers, albeit mostly different in size, shape, style and position to that proposed, without detriment to the character or quality of the local area. In many cases, these existing dormers are sizable and prominent features of the host building and include flat roofs. In that context, I am not persuaded that the proposal would be obtrusive, incongruous or an uncharacteristic addition to the local area.
10. I appreciate that some of these existing dormers may have come forward through the exercise of permitted development (PD) rights. Although PD rights do not apply in this case because the appeal property is a flat, the building is not significantly different in appearance from a terraced house so the visual impact of the proposal would be very similar.
11. The Juliette style balcony and new rear window to the dormer would be modest in size, appropriate in design and largely inconspicuous at the back of the property. The proposed roof lights, though visible in the public realm and the street scene, would be minor and inconsequential features of the host building.
12. On the main issue, I therefore conclude that the proposed development would not materially harm to the character and appearance of the host building or the local area. Accordingly, the proposal does not conflict with Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) or Policy DM01 of Barnet's Local Plan (Development Management Policies). These policies aim to ensure that new development represents high quality design, preserves or enhances local character and respects local context. Given my favourable findings on the

main issue, a conflict with some of the guidance within the SPD is insufficient to withhold planning permission in this instance.

13. In reaching this conclusion, I have had regard to the various roof level extensions to which the appellant has referred and provided photographs and some background details. None of these examples form part of the same terrace as No 38A and their circumstances appear to differ to those of the proposal. In any event, I have assessed the appeal scheme on its own planning merits and find it to be acceptable for the reasons given.

Conditions

14. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building. A condition that removes some permitted development rights is justified to safeguard the privacy of the occupiers of the neighbouring property. These conditions reflect those suggested by the Council with minor changes made for clarity and precision.

Conclusion

15. Overall, there are no material considerations that indicate the proposal should be determined other than in accordance with the development plan, when read as a whole. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no 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 plan: Ref TOS-E01, TOS-P01 and the Location Plan, which shows the site edged red.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors other than those expressly authorised by this permission shall be constructed above ground floor level on the side elevations of the extensions hereby approved, facing 40 Birkbeck Road.