
Appeal Decision

Site visit made on 26 June 2024

by Peter D. Biggers BSC Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/C5090/D/24/3342162

3 Galley Lane, Arkley Barnet Section, Barnet EN5 4AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made Jay Panayofou against the decision of the London Borough of Barnet Council.
 - The application Ref is 23/3116/HSE.
 - The development proposed is two storey front extension, two storey rear infill extension, first floor rear extension, single storey side/rear extension, alterations to existing garage, new fenestration and rooflights, new external materials to dwellinghouse and roof extension involving 2no front facing dormers.
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Decision

1. The appeal is dismissed insofar as it relates to the front roof dormers, garage alterations and 2 storey front extension. The appeal is allowed insofar as it relates to the rear and side extensions and fenestration and materials. Permission is granted for two storey rear infill extension, first floor rear extension, single storey side/rear extension, new fenestration and new external materials to dwellinghouse at 3 Galley Lane, Barnet EN5 4AR in accordance with the terms of the application, Ref 23/3116/HSE, and the plans submitted with it, so far as relevant to those parts of the development hereby permitted and subject to the conditions in the schedule below.

Procedural Matter

2. The description of development as it appears on the application form is incomplete and is missing key aspects of the proposal. I have therefore taken the amended description from the decision notice for the purposes of my decision on the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and on the surroundings of Galley Lane.

Reasons

4. The appeal site is located on the north side of Galley Lane which at this point is a street of large, two storey, detached houses some with roof level accommodation, as proposed for the appeal property. Red brick and tile predominate as the principal materials.

5. No 3 stands out from the surrounding dwellings on either side in having a more contemporary appearance to the frontage. Nos 1 and 1 A are more traditional in appearance whilst Nos 3A, 5, 5A, 7, 7A and 9 are all built to a matching and traditional design. The building line to the houses is on a stagger following the flow of the lane.
6. To the rear, No 3 has seen a number of previous extensions resulting in an asymmetric pitched roof which is slightly odd in its appearance from the rear garden. The garden has good boundary screening of trees and shrubs to east and west sides but is slightly more open to the north and the neighbouring property on Grimsdyke Crescent.
7. The proposal would see a significant two storey front gable extension and front dormers introduced on the building. I note that there are a few examples in the vicinity of properties with front dormers however these for the most part are smaller traditional designs. Those proposed for No 3 would involve a larger glazed area and horizontality which would not be proportionate to the frontage fenestration below. The front extension, by contrast, would be more successful as a proportionate addition to the frontage being shallow in depth and set well down from the roof.
8. Inasmuch as No 3 is substantially different in design to its neighbours, the introduction of a contemporary styling to the front extension and dormers would not necessarily be inappropriate. However, the dominant characteristic of the area in the immediate vicinity of the house is the almost exclusive use of red brick as the facing material for principal walls on the Galley Lane frontage. The introduction of a completely different suite of facing materials in the form of white render, wood and metal cladding and exposed concrete cladding would be an incongruous addition to the frontage, highly intrusive in the established character and appearance of the lane. I note the point that facing materials could be changed under permitted development rights but given that the appellant has applied for this suite of materials and in the context of Galley Lane they would be visually intrusive and therefore unacceptable.
9. Although the appellant has indicated they would consider alternative materials, no formal proposal has been put forward either during the determination of the application or during the appeal process. A complete revision of materials at this stage is not something that can be satisfactorily controlled by condition nor is the appeal process the opportunity to seek to evolve a design.
10. The proposals for the rear and sides of the property similarly adopt a contemporary design and the same suite of materials. However, given that the rear of the property is for the most part well screened and relatively contained visually, there is more scope for use of contemporary materials without any undue impact on the character and appearance of the lane. The form of the roof as a result of the two storey infill extension and first floor rear extension would appear as a more cohesive roofscape than is currently the case with one exception. The eaves line window let into the roof on the first floor rear extension would appear as an incongruous and asymmetrical element in the roof. Moreover, given the full height/full width glazing on the rear elevation of the extension and the large rooflight proposed higher up the roof to the master bedroom, the introduction of the additional glazing would be unnecessary. Unlike the major alterations necessary to the frontage design to change the suite of materials, the simple omission of the window would constitute a minor

change and could be controlled by condition enabling the proposals on the rear of the property to go ahead.

11. The proposal for the roof dormers and front extension would have a significant detrimental impact on the character and appearance of the Galley Lane frontage as a result of the significantly different suite of materials proposed. It would therefore be in conflict with the *National Planning Policy Framework* (the Framework) at Paragraph 135 which requires development to be sympathetic to local character. It would also conflict with Policies CS5 and DM01 of the *Barnet Local Plan* (BLP) which require development to respect local context and distinctive local character and to be based on an understanding of local characteristics amongst other things. The Council has also produced the *Residential Design Guide Supplementary Planning Document* (SPD) to guide and ensure quality development and at paragraph 14.33 it sets out guidance for dormer extensions. It stresses the importance of proportionality in the design which would not be fully observed in this case. Accordingly, the proposed roof dormers, front extension and garage alterations principally as a result of the proposed materials would have an adverse effect on the character and appearance of Galley Lane and would be contrary to both BLP Policies CS05 and DM01 and SPD guidance.
12. It is open to me to reach a split decision on appeals, allowing the appeal in part and dismissing other elements. This is only possible where the separate parts of the proposal are clearly severable and are not functionally or physically linked. Thus, the ground and first floor extension proposals and internal alterations in the centre and at the rear of the house which I have found to be acceptable are not physically or functionally linked to the front extension or roof accommodation and dormer extensions and therefore can be allowed. I will, therefore, issue a split decision allowing the appeal insofar as it relates to the rear and side extensions but dismissing it in relation to the roof dormers, front extension and garage alterations.

Other Matters

13. In coming to a view on this proposal, I accept that the appellant, in proposing the roof dormers and two storey front extension is seeking to make sustainable and effective use of their existing home, an objective which is encouraged by the Framework. However, the Framework attaches great importance to seeking a high quality of design and at Paragraph 128 it states that decisions should take into account "...the desirability of maintaining an area's prevailing character and setting". The proposal in respect of the extensions and alterations to the frontage and particularly the proposed suite of materials would fail in this regard.

Conclusions and Conditions

14. Accordingly, for the reasons given above the appeal should be allowed in part and dismissed in part. I have considered the matters before me and for the reasons given above, I conclude that the appeal should be dismissed in relation to the 2 storey front extension, roof dormers and garage. However, in relation to the rear and side extensions the appeal should be allowed and planning permission be granted.
15. The Council has proposed a number of conditions in addition to the standard householder conditions in its appeal questionnaire. I have considered all these

in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.

16. As detailed above it is necessary to prevent an excessive amount of roof glazing on the rear elevation which would be detrimental to the character and appearance of the house. Accordingly, a condition is necessary to the effect that, notwithstanding the requirement to build in accordance with the plans, the installation of the further glazing immediately above the eaves line of the first floor rear extension on the Master Bedroom No 3 is not permitted. As this is a new condition which the appellants would not have been aware of, I have consulted the parties on this. No concerns have been received in response.
17. As materials different to those on the existing building are proposed and in order to safeguard the character and appearance of the dwelling a condition needs to be added requiring details of the materials to be submitted and approved.
18. In order to protect the living conditions of neighbouring occupants three conditions are necessary in order to prevent overlooking and loss of privacy. A condition is required preventing the use of the extended flat roof at the rear as a balcony or roof terrace which would result in overlooking of the garden area to no 1A. A condition is necessary to ensure the first floor flank windows permitted are obscure-glazed and finally a condition must be imposed removing permitted development rights for the installation of any further windows and doors at first floor on the side elevations facing Nos 1A and 3A.

P. D. Biggers

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to those parts of the development hereby permitted: 23101PD_01 Rev A1; 23101PD_03 Rev A1; 23101PD_04 Rev A1; 23101PD_05 Rev A1; 23101BP_01 Rev A1.
- 3) Notwithstanding condition No 2 [i.e. the condition requiring that the development is carried out in accordance with the approved plans] the roof window immediately above eaves level of the first floor rear extension to Master Bedroom 03 is not permitted and must be omitted.
- 4) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the rear and sides of the building and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in accordance with the materials as approved under this condition.

- 5) The roof of the single storey extension hereby permitted shall at no time be converted to or used as a balcony, roof terrace or similar amenity or sitting out area.
- 6) Before the extensions hereby permitted are first occupied the proposed first floor windows in the flank elevations facing No.1A and No.3A Galley Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
- 7) 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 in the side elevations of the extensions hereby approved, facing No.1A or No.3A Galley Lane.