



Appeal Decision

Site visit made on 4 September 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2024

Appeal Ref: APP/N5090/W/24/3341375

18 Russell Road, London, NW9 6AL

- 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 by Mr Robert Radziwill against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/5505/FUL.
 - The development proposed is 'Roof extension including rear dormer windows and 2no. rooflights to front roof slope with associated internal alterations to existing flats'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024, the Government published a consultation draft of proposed reforms to the National Planning Policy Framework (the Framework). However, the changes are at an early stage and do not affect the main issues of this appeal. As such, I have not sought the views of the main parties in coming to my decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the local area.

Reasons

4. The appeal property is a two-storey, mid-terrace dwelling with a two-storey rear outrigger extension and a pitched roof. The property is evidently divided into 5 individual flats. Russell Road is formed of long rows of opposing two-storey terraces of similar character in a dense residential area. The proposal seeks to install a dormer roof extension to the rear and rooflights to the front. I note the Council does not take issue with the latter and I see no reason to disagree.
5. My attention is drawn to the 'Residential Design Guidance' Supplementary Planning Document (October 2016) (the SPD). Paragraph 14.33 advises that, amongst other things, proposed dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope. Moreover, adequate roof slope above and below the dormer is required on semi-detached and terraced properties and the dormer extension should be set in at least 1 metre from the party wall, flank wall or chimney stack.

6. The proposed dormer would occupy much of the rear roof slope, with little remaining below, above and to either side. This would add substantial bulk and mass to the roof and would not constitute a subordinate addition to the host property. This would harm the simple form of the roof and make it appear unduly top-heavy which would be contrary to the guidance in the SPD. I note the appellant does not dispute this. While it is guidance, it is a material consideration nonetheless and the proportions of the proposal would far exceed the guideline scale given in the SPD.
7. I agree that visibility of the dormer would be limited. This is in part due to the large rear outrigger which I observed obscures much of the rear elevation of the host dwelling. Any visibility would likely be primarily from the upper floors of adjacent properties and the rear gardens on the same side of the host terrace. Be that as it may, visibility is but one consideration of the scheme. The harm to the character and appearance of the local area would be limited, but harm to the host dwelling would be significant for the reasons explained above. The use of matching tiles would not negate this alone.
8. I understand other dormers along the host terrace have been erected. To that end, I have been provided with the application details of an approved¹ extension at No.6 which is ostensibly similar to the proposal before me. This also added a considerable amount of bulk to the roof, contrary to the SPD. I have no control over this matter, but I understand the Council's rationale for this approval concerned the properties either side carrying out dormer extensions using permitted development rights. This lessened the impact of the dormer to No.6, and there is a significant distance between that property and the appeal site. Although I agree that consistency in decision making is important, this rationale does not apply when considering design which falls below the required design standard. I consider the existence of other dormers is not sufficient to justify the harm I have identified in the proposal before me, which I have assessed on its own merits.
9. I have had regard to the certificate of lawfulness² issued to the appellant which related to the use of the building as 5 flats. Evidently, none of these flats currently meet the minimum required floor space given in the Nationally Described Space Standard. However, even if the proposal was allowed, this would only increase the floor space of two flats and only one of those would meet the space standards. While this would be of some benefit to the occupiers of those flats, these benefits would not outweigh the harm I have identified.
10. To conclude, the proposal would be harmful to the character and appearance of the host dwelling and to a lesser extent, the local area. This would be contrary to policy CS5 of Barnet's Local Plan (Core Strategy) (adopted September 2012), policy DM01 of Barnet's Local Plan (Development Management Policies) (adopted September 2012) and policy D3 of the London Plan (adopted March 2021). These seek, among other things, to ensure proposals preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings. The proposal would also be contrary to guidance in the SPD.

¹ 22/4202/FUL

² 23/3754/191

Conclusion

11. The proposal would harm the character and appearance of the host building and local area. This would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR