



Appeal Decision

Site visit made on 24 July 2024 by S Indermaur MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2024

Appeal Ref: APP/N5090/D/24/3345468

53 Wolmer Gardens, Barnet, Edgware HA8 8QB

- 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 Avi Kirsch against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/0458/HSE.
 - The development proposed is a roof extension including hip to gable, rear dormer window and 3no. rooflights to front roofslope.
-

Decision

1. The appeal is allowed, and planning permission is granted for a roof extension including hip to gable, rear dormer window and 3no rooflights to front roof slope at 53 Wolmer Gardens, Barnet, Edgware HA8 8QB. In accordance with the terms of application 24/0458/HSE subject to the following conditions:
 - The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - The development hereby permitted shall be carried out in accordance with the approved plans: 53/300.
 - 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.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The Council has raised no concerns in respect of the rooflights and on the basis of the evidence before me, I have no reason to find differently in this regard. Accordingly, the main issue is the effect of the remaining elements of the proposal on the character and appearance of the host property and surrounding area.

Reasons for the Recommendation

4. The appeal dwelling sits within a pair of two-storey semi-detached properties, which is characteristic of the area. The properties are similar in design, and both have hipped roofs to the front, and side of the property attached to the

main roof of the dwelling. However, there is a more varied character at roof level with examples of alterations, hipped to gable extensions and dormers. Both the front and flank elevations of the host property are prominent within the street scene.

5. A Certificate of Lawfulness (CL) for a similar development including a hip to gable, rear dormer window, and 1 no. front facing roof light for the appeal property has previously been granted. The proposal is though set down further from the existing ridge than the CL. The appellant has stated that there is a realistic prospect that the CL will be implemented if the current proposal is not allowed, and I see no reason to disagree with this. Although the Council has not grappled with this matter in their determination, the fall-back position is undoubtedly a material consideration in this case.
6. The Residential Design Guidance SPD 2016 (SPD) states that 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. In this instance, the dormer would occupy more than half the width and depth of the roof slope and would not therefore accord with the SPD guidance.
7. The hip to gable extension would undoubtedly unbalance the pair of properties, although I observed there to be other examples of this type of development within the wider area. Nevertheless, the positioning of the proposal would generally respect the original roof form and would appear more subservient and as having a lesser visual impact than in comparison to the proposal granted by the CL. The more sympathetic use of materials as now proposed would also be an important factor as the host property is prominent within the street scene. Therefore, with the appeal proposal representing a preferable scale and form of design to the development granted by the fall-back position, I attach significant weight to this as a material consideration in the determination of this appeal.
8. For the reasons detailed above, the proposal would not explicitly accord with the guidance in the SPD and would cause some limited harm to the character and appearance of the host property and surrounding area. This would conflict with Policies D3 of the London Plan (2021), CS5 of Barnet's Local Plan (Core Strategy) 2012 and DM01 of Barnet's Local Plan (Development Management Policies) 2012 which together seek proposals that represent a high-quality design. However, the proposal represents a preferable form of development to that granted under the CL, and this is therefore a material consideration which must attract significant weight, and which in this instance dictates that permission should be granted.

Conditions

9. In addition to the standard time period for commencement of the development, a condition has been recommended requiring the development accord with the approved plans, as this provides certainty and precision. A condition to ensure that the external finishing materials of the extension match those of the existing dwelling in the interests of the character and appearance of the host dwelling and immediate area.

Conclusion and Recommendation

10. The proposal would conflict with the development plan and guidance for the reasons set out above. However, in accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004, in this instance the significant weight which I have attached to the material considerations indicate that the conflict with the development is outweighed.
11. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR