



Appeal Decision

Site visit made on 9 December 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/N5090/W/24/3345511

44 Bridge Lane, Golders Green, Barnet, London NW11 0EG

- 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 Bridge Lane Beth Hamedrash against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/2904/FUL.
 - The development proposed is erection of a roof extension to the existing synagogue building as well as a small roof addition to the side to provide additional floorspace for the synagogue.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a roof extension to the existing synagogue building as well as a small roof addition to the side to provide additional floorspace for the synagogue at 44 Bridge Lane Golders Green, Barnet, London NW11 0EG, in accordance with the terms of the application, Ref 23/2904/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the neighbouring occupiers of Yew Tree Court and 46 Bridge Lane, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises a single storey synagogue set within a street scene of two storey detached and semi-detached dwellings, as well as a larger, three storey block of flats. The immediate area has a prevailing residential character and neighbouring buildings range in scale, mass, and architectural style.

5. The existing building has a modest height and appearance. Its architectural style and form are markedly different to other buildings within the street scene. In particular, it is positioned in between the extended two storey neighbouring property, 46 Bridge Lane (No 46), and the three storey Yew Tree Court building. As a result, the appearance of the synagogue is not comparable to other buildings in this part of the street scene.
6. The replacement of the existing roof arrangement, comprising the main hipped roof, and flat roof elements, with a proposed mansard style roof would result in a noticeable change to the appearance of the original building. However, the proposals would be viewed within the context of the neighbouring buildings which have a range of different roof styles, notably the significant flat roof of the three-storey block of flats, and No 46 which also has prominent flat roof dormers that are visible from the road.
7. Additionally, the height of the resultant building would be similar to the buildings either side, with its bulk and mass reduced by the design, form, and scale of the mansard roof arrangement. Furthermore, the majority of the proposed mansard roof, which extends significantly to the rear of the building, would be largely screened from view by the scale and mass of neighbouring buildings.
8. Likewise, the proposed lift shaft and two storey extension would be located towards the rear aspects of the site and would be largely obscured from view by the main mansard roof and neighbouring buildings. As a result, views of the proposed development would be limited to the immediate street scene only, with some occasional glimpses from Hayes Crescent, which would be viewed against the backdrop of Yew Tree Court.
9. Consequently, although the proposal would introduce an uncommon architectural feature into the existing street scene, its design would not be materially harmful in the context of the varied design and scale of existing buildings within the street scene.
10. The semi-circle glazed dormer style window would break up the appearance of the front elevation of the mansard roof and the use of traditional facing materials would further ensure the proposal has an acceptable appearance.
11. For the reasons outlined above, the proposed development would not be harmful to the character and appearance of the area. Therefore, the proposal would not conflict with Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (CS) September 2012, and Policy DM01 of Barnet's Local Plan Development Management Policies (DMP) September 2012, which, together and amongst other things, seek to secure high quality, sustainable and adaptable buildings which preserve the local character and distinctiveness of their surroundings.

Living conditions

12. The footprint of the appeal building extends significantly back into the site and is built up close to each side boundary.
13. Windows at ground floor, first floor and second floor of Yew Tree Court have an outlook towards the side elevation of the appeal building. The ground floor windows are immediately adjacent to an existing pedestrian access path which has a functional appearance. Therefore, due to the relationship with the path, as

well as the juxtaposition with the side elevation of the appeal property, the outlook from the ground floor windows is already poor.

14. In addition, I observed during my site visit that the ground floor windows, which some are suggested to serve habitable rooms of the flats, were either fitted with obscure glass or there were other measures to protect the privacy of the occupants. As such, outlook from the windows is restricted.
15. The proposed development would result in additional built mass adjacent to the ground floor windows. However, the proposed mansard roof would be stepped slightly away from the side wall of the appeal building, and it would slope away from the neighbouring windows. In combination, these factors would ensure that a significant, increased overbearing impact to the ground floor windows of the flats would not be created.
16. The existing single storey building also has a close relationship with No 46 and extends along much of the shared side boundary at the rear. The proposals would increase the amount of built mass along the shared boundary with No 46. However, the proposed mansard roof and two storey extension would be set off the boundary. In addition, the mansard roof would slope away from the boundary, which would ensure that the additional bulk and mass of the proposals would not result in a significant, increased enclosing or overbearing effect on the rear garden of No 46.
17. For the above reasons, the proposed development would not cause unacceptable harm to the living conditions of neighbouring occupiers of Yew Tree Court and 46 Bridge Lane, with particular regard to outlook. Therefore, the proposal would accord with Policies CS1 and CS5 of the CS and Policy DM01 of the DMP, which together and amongst other things require development proposals to be designed to allow for adequate outlook for adjoining and potential occupiers and users.

Other Matters

18. Objections to the proposal have been received from neighbouring occupiers, which raise a number of concerns, including the effect on privacy and a potential loss of natural light. These factors are not in dispute between the main parties and were addressed in the Councils Planning Committee report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view. Given my findings above, and the suggested conditions by the Council, I have found no justification to dismiss the appeal.
19. Concerns have also been raised regarding property values. However, the planning system does not exist to protect such matters and thus fall outside the scope of this appeal.

Conditions

20. The Council has suggested several conditions, some of which I have amended for the sake of clarity and precision. I have also had regard to the Framework and national Planning Practice Guidance. 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. However, I do not

consider it necessary to list existing plans or supplementary reports in the condition.

21. To ensure that the appearance of the development is satisfactory, a condition to secure that the external materials, relating to the proposal, match those of the existing building is necessary.
22. A condition has been included to specify that the roof of the proposed extension shall not be used as a balcony, roof garden or similar amenity or sitting out area, to protect neighbouring living conditions. Likewise, to protect the privacy and living conditions of neighbouring occupiers, a condition to secure that proposed windows in the north-east elevation facing Yew Tree Court shall be fitted with obscure glazing only is also necessary. A condition is reasonable and necessary to restrict the use of the extension to the synagogue, to prevent future permitted changes of use within the same use class that could result in harm to neighbouring living conditions.

Conclusion

23. The proposed development would accord with the development plan, and there are no material considerations to lead me to determine the appeal other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal is allowed.

N Bromley

INSPECTOR

Schedule of 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, numbered: 044BR-A-01-001; 044BR-A-01-002; 044BR-A-02-101; 044BR-A-02-001; 044BR-A-02-103; 044BR-A-02-104; 044BR-A-02-105; 044BR-A-03-101; 044BR-A-03-102; 044BR-A-03-106; 044BR-A-06-101; 044BR-A-06-102; 044BR-A-06-104; 044BR-A-05-102 and 044BR-A-05-103.
- 3) The external materials of the extension hereby permitted shall match those used in the existing building.
- 4) The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
- 5) The windows in the north-east elevation facing Yew Tree Court shall be installed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
- 6) The extensions hereby permitted shall be used for the purposes of a synagogue only as shown by the hereby approved drawings, and for no other purpose (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.