



Appeal Decisions

Site visit made on 25 March 2025

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 APRIL 2025

Appeal A Ref: APP/N5090/C/23/3323022

Land at 23 Pendragon Walk, London NW9 7RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Omid Fakouri against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 20 April 2023.
- The breach of planning control as alleged in the notice is without planning permission the construction of a rear dormer roof extension.
- The requirements of the notice are to:
 1. Demolish the rear dormer roof extension.
 2. Permanently remove all constituent materials resulting from the works in 1. above from the property.
- The period for compliance with the requirements is: 2 (two) months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed, and the enforcement notice is upheld.

Appeal B Ref: APP/N5090/W/23/3321495

23 Pendragon Walk, Colindale, Barnet, London NW9 7RR

- 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 Omid Fakouri against the decision of the Council of the London Borough of Barnet.
- The application Ref is 22/6127/RCU.
- The development proposed is a roof extension involving a rear dormer and 3no. front and 1no. rear facing rooflight.

Summary Decision: The appeal is dismissed.

Preliminary Matters

1. During the course of the appeal, the revised National Planning Policy Framework December 2024 (the Framework) was published. There are no substantive changes relevant to the appeal before me, and therefore the parties would not be prejudiced by my consideration of the 2024 version of the Framework.
2. Since the original decision was made on the planning application and the Enforcement Notice (Notice) was issued, The Barnet Local Plan 2021-2036 was adopted by the Council in March 2025 (Local Plan). This replaces the Core Strategy and Development Management Policies Development Plan Documents, such that the policies cited on the Notice and Decision Notice are no longer part of the development plan and have no weight. The main parties were given time to provide

observations on the changes, and I have considered the relevant replacement policies set out within the recently adopted Barnet Local Plan.

3. For Appeal B, I have taken the description of development from the Council's Decision Notice as it provides a more accurate description of the development than that outlined on the original planning application form. I am satisfied that there would be no prejudice in this respect. Aside from Appeal B including the roof lights, the developments and main issues in the appeals are the same. As such, to avoid duplication, I have considered them together.

Appeal A on Ground (a) and the Deemed Planning Application and Appeal B

4. The **main issue** is the effect of the development on the character and appearance of the host property and area.

Reasons

5. Pendragon Walk and its surroundings are predominantly residential in character. The layout of the estate is typically known as a Radburn design, where the back gardens of the dwellings face a parking court or a road, and the front of the dwellings face each other over common areas of walkways and pockets of open green space. The properties in the estate are largely made up of two-storey terraces with slight variations in appearance but with consistent design features and finishing materials. The consistency in design features and finishes as well as the green spaces in between result in a pleasant character and appearance to the area.
6. The appeal site is an end-of-terrace two-storey dwelling on Pendragon Walk, which has been extended with a two-storey side and a rear ground floor extension. Due to the topography of the area, the appeal site and rear of Pendragon Walk are prominent from Ruthin Close. The terrace can also be appreciated in part from Freyent Grove, near the junction with Ruthin Close. Aside from the neighbour's large flat-roofed dormer, the rear roofscape of the terrace on Pendragon Walk has no other alterations, largely maintaining its consistent form, appearance and finish, which positively contributes to the character and appearance of the area.
7. The dormer sits within the original rear roof plane, and if the roof plane of the extension is included, it conforms to some of the design advice set out in the Residential Design Guidance Supplementary Planning Document 2016 (Design SPD). However, even with the roof of the extension included, the dormer still occupies more than half the depth of the roof slope, and the window size and proportions as well as finishing materials are not in keeping with the host property. For these reasons, the dormer is contrary to the advice set out in the Design SPD and appears as an oversized and bulky box-like addition, with windows as well as finishes that conflict with the host property and the immediate terrace.
8. Consequently, the scale and design of the dormer, together with the proportions of the openings and the use of contrasting materials detract from the character and appearance of the property. The impact of the development on the wider rear terrace street scene is also exacerbated by its prominence from several viewpoints along Ruthin Close and Freyent Grove.
9. The appellant has highlighted the neighbour's dormer, which he has tried to match in regard to design, scale and finish. However, from what I saw, the adjoining neighbour's dormer is the only large, flat-roofed dormer and it is not reflective of the

predominant character, which largely consists of small, pitched roofed dormers on low sloping cat slide style roofs. The flat roofed dormers that I saw also confirmed to me that the scale, height, design and finish are detrimental to the character and appearance of the host dwelling and diminish the largely unaltered rear terrace roofscape.

10. Accordingly, the development has an adverse impact on the character and appearance of the host property and area. The development is contrary to Policies GSS01 and CDH01 of the Barnet Local Plan, Policy D3 of the London Plan 2021 and the Design SPD. The policies, and guidance, seek to ensure that all new developments should be of a high design quality, which responds sensitively to the distinctive local character and design, and uses materials of a suitable quality and appearance to respect local character and setting.

Conclusion

11. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude Appeal A should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).
12. Taking into account the development plan as a whole and all other relevant material considerations, I conclude Appeal B should be dismissed.

Formal Decisions

Appeal A Ref: APP/N5090/C/23/3323022

13. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B Ref: APP/N5090/W/23/3321495

14. The appeal is dismissed.

M. P. Howell

INSPECTOR