



Appeal Decisions

Site visit made on 30 April 2025

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 9 JUNE 2025

Appeal A Ref: APP/N5090/C/24/3345300

Land at 38 Highview Gardens, Edgware, HA8 9UF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Stephen Carson against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The notice was issued on 19 April 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, the construction of a roof extension comprising a hip-to-gable and rear dormer window.
 - The requirements of the notice are: 1) Demolish the roof extension comprising a hip-to-gable and rear dormer window; 2) Restore the roof to the condition in which it was prior to the breach in planning control as shown in drawing no. 020401-EX004 Version A of planning application with reference 24/0165/HSE; 3) Permanently remove all constituent materials resulting from the works in 1 and 2 above from the property.
 - The period for compliance with the requirements: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) 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.
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Appeal B Ref: APP/N5090/W/24/3342130

38 Highview Gardens, Edgware, Barnet, HA8 9UF

- 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 Stephen Carson against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/0165/HSE.
 - The development proposed is Roof extension involving hip to gable and rear dormer window. New front porch.
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Appeal A Decision

1. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the construction of a roof extension comprising a hip-to-gable and rear dormer window at Land at 38 Highview Gardens, Edgware, HA8 9UF as shown on the plan attached to the notice and subject to the conditions contained in the attached schedule.

Appeal B Decision

2. The appeal is allowed and planning permission is granted for Roof extension involving hip to gable and rear dormer window. New front porch at 38 Highview Gardens, Edgware, Barnet, HA8 9UF in accordance with the terms of the

application, Ref 24/0165/HSE, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

3. Since the appeals were registered, the Barnet Local Plan 2021-2036 was adopted by the Council on 4 March 2025 (LP). The policies contained within it supersede those referenced in the decision notice and enforcement notice and I have had regard to these new policies in reaching my decisions.
4. The revised National Planning Policy Framework 2024 came into force during the course of the appeal. The revisions made have not had a direct bearing on the issues which are pertinent to these appeals.
5. As regards Appeal B, revised drawings were submitted during the course of the application to deal with inconsistencies identified by the Council. I determine the appeal based on the revised drawings referenced in the decision notice. I have also taken the description of development above from the decision notice since the application form did not reference the new front porch.

Appeal A: The appeal on ground (a) and the deemed planning application ('DPA') and Appeal B: s78 appeal

6. The development which is the subject of the notice is essentially the same as the Appeal B development save that the latter also includes the construction of a porch. The Council has indicated that the porch is acceptable given the variation in design of other porches in the street, and I have no reason to disagree with that assessment. My analysis below therefore relates to the roof extension only.

Main Issue

7. The main issue is the effect of the roof extension on the character and appearance of the host property and area.

Reasons

8. Highview Gardens is a residential street comprised of a mixture of detached and semi-detached chalet bungalows, with two-storey houses towards the northern end of the road. Semi-detached bungalows here would originally have had symmetrical hipped roofs. However, a significant number have been extended including through front and side dormers, rear dormers and hip to gable extensions.
9. None of these forms of extension are individually a strong characterising feature of this street. However, in combination they have resulted in the street scene having a fairly diverse character which includes numerous asymmetrical pairs of dwellings, sitting alongside detached bungalows which themselves have varied roof forms. Existing roof extensions in these various forms also mean that many bungalows along this road display increased massing at roof level.
10. The appeal property is a semi-detached chalet bungalow which has been extended at roof level by a hip to gable conversion and erection of a rear dormer window. While the hip to gable conversion reduces symmetry with the adjoining property (which has not been extended at roof level), the eaves and ridge line are maintained. As such, and in the context of the relatively varied street scene, the roof extension is not visually jarring.

11. In combination, the hip to gable conversion and rear dormer add significant massing at roof level and would exceed the volume increase allowed under permitted development rights. However, the rear dormer is only glimpsed in main public views from the road and so the combined bulk is not readily apparent from main public viewpoints. Given the various forms of roof extension visible from the road, no material harm results in this respect to either the character of the host property or the street. Within the rear garden environment, the dormer window is a fairly bulky addition but is not so large as to be visually intrusive in this context.
12. The Council references its Residential Design Guidance Supplementary Planning Document (2016) (RDG) which indicates that hip to gable roof extensions should not 'unbalance' a pair of semi-detached houses. However, as outlined above, within the varied character of this street and given that the eaves and ridge line are respected, no material harm results from the reduction in symmetry.
13. The RDG also notes that dormer roof extensions should 'normally be subordinate features', not occupy 'more than half the width or half the depth of the roof slope', 'not normally be wider than the window below', with dormer cheeks being kept 'as narrow as possible'. However, the size of the dormer window is not apparent in main public views from the road and is set in the context of a street where a number of properties have front and side dormer windows.
14. I conclude then that the roof extension has not caused any material harm to the character and appearance of the host property or area. There is compliance with Policy D3 of the London Plan (2021) which strives to ensure that new development responds to the existing character of a place. There is no conflict either with Policies CDH01 or GSS01 which together indicate that new development is expected to respond sensitively to the distinctive local character and design, building form, patterns of development, scale, massing, roof form and height of the existing context, that there should be a design-led approach and avoidance of unacceptable impacts on the character of the surrounding area.

Appeal A: conclusion on ground (a) and the DPA; Appeal B: s78 appeal conclusion

15. The roof extension has not resulted in any harm to the character and appearance of the host property or the area. There is compliance with the development plan read as a whole, and no material considerations indicate a decision other than in accordance with the plan. For the reasons given, the Appeal A ground (a) appeal succeeds and planning permission will be granted for the DPA. I shall also grant planning permission in respect of the Appeal B application.

Appeal A and Appeal B: Conditions

16. I have not imposed the standard time limit condition, or a matching materials condition because the development has already been carried out. However, as regards Appeal B, I have imposed an approved plans condition to enable applications for minor material amendments. Exceptionally, permitted development rights are removed in respect of side windows and doors in the interests of protecting living conditions.

Appeal A: Overall conclusion

17. For the reasons given above, Appeal A succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed. In these circumstances the appeal on ground (g) does not fall to be considered.

Appeal B: Overall conclusion

18. For the reasons given above the appeal should be allowed.

V Bond

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A:

- 1) 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 window or door openings shall be constructed on the side elevations of the development hereby approved facing either Nos 36 or 40 Highview Gardens.

Appeal B:

- 1) The development hereby permitted shall be carried out in accordance with the following drawings/plans: Location Plan dated 16 January 2024; Site Plan dated 16 January 2024; SK14 Rev. P01 - Loft Volume Calculations; 020401-EX-002 Rev. A - Existing Floor Plans; 020401-EX-003 Rev. A - Existing Side Elevations; 020401-EX-004 Rev. A - Existing Front & Rear Elevations; 020401-PR-001 Rev. B - Proposed Floor Plans; 020401-PR-002 Rev. B - Proposed Side Elevations; 020401-PR-003 Rev. B - Proposed Front & Rear Elevations
- 2) 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 door openings shall be constructed on the side elevations of the development hereby approved facing either Nos 36 or 40 Highview Gardens.

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/N5090/C/24/3345300	Mr Stephen Carson
Appeal B	APP/N5090/W/24/3342130	Mr Stephen Carson