



Appeal Decision

Site visit made on 4 June 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/N5090/W/25/3360907

Flat Above Surgery, 161 High Street, Barnet EN5 5SU

- 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 Jeff White against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/3815/FUL.
 - The development proposed is a first-floor rear infill extension and roof extension including side dormer.
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor rear infill extension and roof extension including side dormer at Flat Above Surgery, 161 High Street Barnet EN5 5SU in accordance with the terms of the application, Ref 24/3815/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan; and drawing no's; 532324 005 rev A; 532324 006 rev A; 532324 008 rev A; 532324 009; and 532324 011 rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building.

Preliminary Matters

2. Both parties have indicated that the description of development originally stated on the application form has been subsequently amended, I have therefore used the revised description of development stated on the Council's notice of decision and the appeal form in the banner heading and my decision above.
3. Planning decisions must be based on the development plan policies prevailing at the time of determination. The Council has recently adopted the Barnet Local Plan 2021-2036 (BLP). As a result, the BLP now forms part of the development plan. It has replaced Barnet's Local Plan (Core Strategy) Development Plan Document (CS) and Barnet's Local Plan (Development Management Policies) Development Plan Document (DMP), which are cited in the reasons for refusal. The main parties have had the opportunity to comment on the relevant policies of the BLP during the appeal process.

Main Issues

4. The main issues are:

- The effect of the proposed development on the character and appearance of the host property, the terrace it is part of, and the Monken Hadley Conservation Area (the CA); and
- Whether future occupiers would have satisfactory living conditions, with particular regard to outlook and light for the proposed room within the roof space.

Reasons

Character and appearance

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 210, the Framework sets out matters which should be considered, including sustaining, and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 212 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The CA covers an extensive area, it includes a wide variety of property types, styles, and spaces. The Monken Hadley Conservation Area, Character Appraisal Statement, adopted January 2007, identifies the appeal site as being in area four (Barnet High Street) which is said to have an urban form, with a tight, compact grain, and contains mainly terraced properties with a mixture of uses. The immediate area has a great deal of variation of building styles, roof types and building heights, many being between one and three storeys high, that together provide an interesting and varied roofscape.
7. The appeal property is two storeys high, with part of its ground floor used as a clinic, the remainder of the appeal property is in residential use. It is mid-terraced, and faces onto High Street with a diagonal alignment, with brick across its ground floor part and painted render above. It has a shallow pitched roof (said to be a Dutch gable) behind a parapet wall which has sloping parts on both of its outer sides, and it has chimneys on the part of its roof nearest to no. 163. It is a distinctive property, amongst a wide variety of building types and forms and its front elevation is more significant than its rear side, which has been altered and extended.
8. No. 159, which is also attached to the appeal property, has some similarities in its appearance to the appeal site, although it has a different front parapet wall design, and there are some differences in its external materials across its front elevation. Both parties have referred to a side dormer roof extension at no. 159, said to have been approved recently and which I saw on my site inspection has now been built, although I do not have any details relating to that permission before me. Immediately adjoining its rear boundary is a tall blank brick wall of a building belonging to the Barnet Army Reserve Centre. On the opposite side, no. 163 is a three-storey property, with a flat roof on its rear and side elevation that is visible

from the rear garden of the appeal property, on its front side it has a tiled part that gives the impression of it having a pitched roof.

9. The Council has said that the proposed first floor extension would be the same as that granted planning permission on an earlier appeal¹ (split decision), they do not raise any objections to this aspect of the proposed development, and I see no reason to disagree. I also find that its scale and design would relate well to the host property, the terrace it is part of and the CA.
10. Barnet's Residential Design Guidance, Supplementary Planning Document dated October 2016 (RDGSPD) says dormer roof extensions should be sympathetic to the host property in terms of their design, position, scale, proportionality, and materials, and not occupy more than half the width of the roof plane or be 1 metre from any party wall or chimney.
11. The proposed side dormer roof extension is said to have dimensions of some 3.5 metres in width, 6.8 metres in length and have a height of 2.2 metres. It is also said that it would be setback approximately 3.7 metres from the front elevation and 3 metres from the rear elevation, and its height would be below the main ridge height of the appeal property (said to be a similar distance below the ridge height to that at no.159). The appellants calculations measure it to be less than half the width of the roof plane it would sit within.
12. The earlier appeal decision² also dismissed a previously proposed dormer roof extension at the appeal site due to its effect on the CA. That proposal was some 10 metres in length, and setback 2 metres from the front side, and it was not positioned inside the line of chimneys nearest to no.163, and said to extend virtually to the boundary with no.163.
13. The proposed development in this case, is setback much further from the front side (an additional 1.7 metres) and is positioned out of the line of the 2 no. chimneys that sit parallel with the boundary to no. 163. It is also said that the proposed dormer extension would be setback farther from the front elevation than the dormer extension at no. 159 (said to be setback approximately 3 metres) and is said to be positioned farther away from its rear side than the previously dismissed dormer extension at the site. The rear most chimney would also protrude above the proposed roof it would sit within.
14. The higher roof height of no. 163, the diagonal alignment of the appeal property, together with the 3.7 metre setback and with its height being below the main ridge height, would mean there would be very limited views of it from only a small section of the pavement on the opposite side of High Street. It would be seen in the context of a similar side dormer extension at no. 159, and the tiled parapet wall for no. 163, which given its taller height would also screen some views of it, and it would ensure the ridge and parapet of the host property are retained as the most prominent and significant aspects. Furthermore it would preserve views of the existing chimneys on this side of the appeal property, and notwithstanding the Council's comments about the different setback and arrangement of no.159's dormer roof extension, its slate clad side, when seen, including from nearby properties, would be in the context of other tiled elements on the immediate roofscape, which would not be harmful to the host property and terrace it is part of.

¹ Ref. APP/C5090/W/24/3337859

² Ref: APP/C5090/W/24/3337859

15. From its rear side, its tiled appearance, setback and lower roof height would also ensure it was not a prominent feature respecting the pitched roof form of the host property, preserving the appearance of the rearmost chimney, and ensuring a subordinate appearance to it, and the terrace it is part of.
16. Similarly, owing to the scale and setbacks of the proposed dormer extension and the matching materials, the proposed development would not appear top heavy, or unbalancing to the host property, and it would harmonise with the building and its setting, including its first-floor extension (already approved).
17. I have carefully considered the earlier appeal decision³ and the findings of the Inspector in that case regarding the proposed dormer extension. However, as the appellants have sought to make changes in response to that decision, its size has been significantly reduced, it has been positioned to respect the existing chimneys by being positioned away from the party wall with no.163, and it has much greater setbacks at both its front and rear sides so its effect on the host property and the area is much different to that previous proposal. I am therefore content that my findings above are not inconsistent with those on that earlier decision.
18. In addition, I have been made aware of another appeal decision⁴ in 2023 that was dismissed at the appeal property relating to amongst other things, ground floor and first floor extensions and a side dormer roof extension, although the inspector in that case did not find any unacceptable harm with respect to the dormer roof extension in that case. The Council also referred me to an appeal decision⁵ at no. 159 that was dismissed for 2 no. dormer roof extensions because of views of them and their glazing from High Street. However, there was no harm identified regarding views from the rear side. The appearance and arrangement of dormer extensions in that case is different to the appeal proposal, and although it is unclear what if any setback they had from the front side, in this appeal case, there has been no unacceptable harm identified from views of the proposed dormer extension from High Street, and no glazing would be visible from this viewpoint. Consequently, that appeal decision is not directly comparable to the appeal scheme, and it has not led me to conclude differently regarding the proposed development.
19. I therefore conclude that the proposed development would preserve the character and appearance of the host property, the terrace it is part of and the CA, consistent with the duty within the Act. For the same reasons, the proposed development would comply with the relevant parts of Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP) and BLP Policies CDH01, CDH05 and CDH08, that amongst other things require new development to be of a high architectural and urban design quality, that responds to the distinctive local character and context, including its scale, and roof form and height, for extensions to be subordinate to the host property, and to conserve or enhance the significance of designated assets. Although there would be a degree of conflict with the RDGSPD, in terms of the scale, design, and position on the roof slope, given my findings above, the proposed development would be consistent with its overriding objective of ensuring that development respects the character and appearance of the host property and the area.

³ Ref. APP/C5090/W/24/3337859

⁴ Ref. APP/N5090/W/22/3312191

⁵ Ref. APP/N5090/W/22/3295433

20. The Council referred in its reason for refusal to conflict with its Sustainable Design, Supplementary Planning Document dated October 2016 (SDSPD), however, I did not find it to be directly applicable to this main issue.

Living conditions – future occupiers

21. Regarding living conditions, Policy CHD05 says due regard should be had to the guidance provided in any extant relevant SPD addressing matters of sustainable design. The SDSPD says within its Table 2.4 that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room, which is part of its design principles.
22. In addition, the RDGSPD says dual aspect dwellings offer many inherent benefits including: an increased amount of daylight, a greater opportunity to gain direct sunlight for longer periods, a choice of views, flexibility, and the potential to reduce energy requirements for lighting and heating.
23. The proposed room within the dormer extension would have 2 no. windows; one being a roof light on its side, and the other being a window on its rear elevation. Taking the Council's larger floor area calculation of some 48 square metres, the combined areas of the window openings at approximately 2.3 square metres, would be below the 20% normally required by the SDSPD. Whilst the room is long (some 6.8 metres), its dual aspect and the orientation of the windows serving the bedroom/study, should allow adequate light into it, particularly considering the nearly central rooflight, which due to its orientation and angle on the roof plane should help maximise the level of both daylight and sunlight it receives. In view of this, and notwithstanding the conflict with what would be the normal requirements of the SDSPD, there would be adequate light and outlook to the proposed room to enable future occupiers to have satisfactory living conditions.
24. I note the parties' comments regarding how the policy has been applied to other developments elsewhere, whether they be conversions or new build proposals. However, I do not have sufficient evidence of other cases before me, to properly compare them to this appeal scheme and given my findings above it is not necessary for me to consider those examples any further.
25. I therefore conclude that future occupiers would have satisfactory living conditions, and the proposed development would accord with the relevant parts of LP Policy D6 and BLP Policies CDH01 and CDH05 insofar as they require development to provide a good standard of amenity, including an acceptable outlook, provide dual aspects and ensure adequate day light and sunlight. Whilst there would be some tension with SDSPD and by consequence with part of BLP CDH05 in terms of what they normally require, the proposed development would be consistent with the collective objective of ensuring future occupiers have adequate light and outlook from the proposed room in question.

Other Matters

26. An interested party has said that they would like to see the heights on the ridge line of the dormer specified; that the dormer extension should not be seen from public vantage points and that if allowed, its external materials should minimise its appearance. There is no requirement to insist that the specific heights be shown, and as set out above there would be limited views of the proposed dormer

extension from the front side. Finally, a condition could be imposed to ensure the matching materials harmonise with the existing building.

27. The Council has made a comment about the proposed front elevation and roof plans not being consistent with the rear elevation in terms of the chimney positions. The appellant has explained that the floor plan and front elevation are accurate, and they show the dormer extension to not be in front of the chimney nearest High Street. As the side walls and rear elevation are not aligned and due to the appeal property's partly diagonal position, the proposed rear elevation has had to reflect this, but it does not alter the proposals as set out on the floor plan and front elevation. I am content that the approved plans accurately show the proposed development.

Conditions

28. A standard implementation condition (1) has been imposed, along with a condition (2) listing the approved plans to provide certainty over what has been approved. A condition (3) is also necessary to ensure the external materials harmonise with the character and appearance of the host property and the CA.

Conclusion

29. The proposed development accords with the development plan when taken as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, I conclude that the appeal should be allowed.

A Hunter

INSPECTOR