



Appeal Decision

Site visit made on 10 June 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/N5090/W/25/3360535

Flat 2 Hazel Court, 49 The Bishops Avenue, East Finchley, Barnet, London N2 0BN

- 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 Nigel Esterkin against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/4218/FUL.
 - The development proposed is the addition of 2 no. Velux type rooflights to pitched roof of existing study. Addition of 1 no. Velux type rooflight and dormer window to existing pitched roofs of existing playroom.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address used in the banner heading above has been slightly amended from that used in the planning application form to reorder wording and be clearer on the location, which also partly reflects the address used in the Council's decision notice.
3. The Council has confirmed that the Barnet Local Plan 2021-2036 (the BLP) was adopted on 4 March 2025. It replaces the previous Local Plan (2012), comprising the Core Strategy and Development Management Policies Development Plan Documents. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. The Council has suggested that Policies CDH01, CDH05 and CDH08 of the BLP are now the policies relevant to the determination of this appeal. The appellant has been made aware of this change through the appeal process and has had the opportunity to comment. I have considered the appeal based on the relevant replacement policies set out within the BLP.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host building, and whether the proposal would preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area (the CA).

Reasons

5. The appeal property comprises the upper two floors of Hazel Court, which is the central and smaller building of a group of three apartment blocks at 49 The

Bishops Avenue, located within the CA. Hazel Court is situated closest to The Bishops Avenue and is visible from the adjacent highway and pavement. The group is a relatively modern development, built around a communal garden area, featuring mature trees and other landscaping to its boundaries.

6. The Bishops Avenue is a substantial length, predominantly residential in nature and characterised by large, detached dwellings and other larger residential development situated in generous sized plots. There are variations in the architecture and materials used on The Bishops Avenue.
7. The Hampstead Garden Suburb Conservation Area Character Appraisal Statement Introduction identifies different character areas of the CA reflecting its scale and the variety within it. From the evidence before me, the appeal site does not appear to fall within any of these areas. I have also had regard to the Hampstead Garden Suburb Conservation Area Design Guidance.
8. The significance of the overall CA is founded on its architectural and historic interest, being one of the finest examples of early twentieth century domestic architecture and town planning. Its layout, historic interest as a planned community and the quality of the architectural features of the buildings within it contribute to this. The Bishops Avenue has its own unique qualities, and the appeal site contributes to the significance of the CA by reflecting the combination of planning and the quality of its original design, which produce a strong sense of place.
9. There are variations in scale and appearance across the three blocks at No 49, including purposely designed flat roof elements, and I note other alterations that have taken place. The steep dual-pitched roofs of Hazel Court that are proposed to be altered are a particularly strong characteristic of its original design when viewed from within and to the front of the site. These roof slopes do not feature any openings at present. I observed a metal flue to part of the roof of the playroom, which is not shown on the proposed elevation drawings but is indicated on the roof plan and referenced in the Design and Access Statement.
10. The proposal would introduce new openings to more prominent parts of the roofs, including to the front facing elevation, which are not characteristic of the building. Despite alignment of the new openings with others, positioning and use of matching materials, the proposal would cumulatively erode the original design quality of Hazel Court and the overall group, particularly given the more prominent position of the building. The trees along the front boundary would mitigate some of the visual impact at times when in leaf, although there would be clearer views at other times, and these would not sufficiently mitigate the adverse impact. Overall, the proposal would have a detrimental impact on the character and appearance of the building, and the contribution it makes to the significance of the CA would be diminished. The development would therefore fail to preserve or enhance the character or appearance of the CA, and it would harm its significance.
11. Based on the evidence before me and my observations on site, as the proposed change is localised in terms of the CA as a whole, the harm to the significance of the CA would be less than substantial, and the harm would be at the lower end of the spectrum in that respect. Regardless of the level of harm, the National Planning Policy Framework (the Framework) at paragraph 212 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. Paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.

12. Public benefits have not been specifically outlined by the appellant in the appeal documents. Their evidence refers to the aims to improve daylight into the playroom and study, thereby improving the quality of these spaces and enhancing the functionality of the home. Whilst this would largely be a private benefit for occupants of the property, it would be reasonable to treat these aims as being public benefits inasmuch that they would contribute to social objectives set out in the Framework in respect of improving the housing stock. Even so, these public benefits are given modest weight and would not be sufficient to outweigh the harm to the CA. Furthermore, it has not been adequately demonstrated that this development is the only way to achieve those objectives.
13. I observed other examples of dormer windows and rooflights that I have been directed to by the appellant. Other additions to the roofs of the apartment buildings at No 49 were in less prominent parts of the site, resulting in less visual impact. Whilst dormer windows were prevalent on The Bishops Avenue and in the wider area, I found those to be a more integral part of the character and design of the properties. Rooflights were generally less characteristic of the area. I also do not know the full circumstances under which other works were undertaken or their status regarding planning permission. I therefore cannot draw any direct comparison from these with the development that would weigh in its favour. The presence of these, as well as other alterations, does not justify the harm that I have otherwise found.
14. I conclude that the proposed development would have a harmful impact on the character and appearance of the host building and fails to preserve or enhance the character or appearance of the CA. Therefore, the proposal would conflict with Policies CDH01, CDH05 and CDH08 of the BLP. Amongst other things, these seek to achieve high architectural and urban design quality, expect development proposals to respond sensitively to local character and design, complement the character of existing buildings, and ensure that designated heritage assets are conserved and enhanced in a manner appropriate to their significance.

Other Matters

15. Where the proposal has been found to be acceptable in other respects, for example in terms of the living conditions of neighbouring residents, these are neutral matters and do not weigh in favour of the development.

Conclusion

16. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR