



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: 14TH July 2025

Appeal Ref: APP/N5090/W/25/3362723

First Floor Flat, 69 Sunny Gardens Road, Hendon, Barnet, London NW4 1SJ

- 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 Bernard Margulies of BMR Group Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/4102/FUL.
 - The development proposed is roof extension involving rear dormer and 2no. front facing rooflights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form does not contain a description of development. However, the description used in the banner heading above was used by the Council in its decision notice and this has also been used by the appellant in their appeal form. This is a precise description of the proposal, therefore I have dealt with the appeal on this basis.
3. Furthermore, the application form did not include an applicant's name. It has subsequently been confirmed that the applicant and the appellant are the same, and the appeal should proceed in the name used in the banner heading.
4. The development includes a rear dormer window and rooflights in the front roof slope. The reason for refusal on the Council's decision notice indicates that the dormer window is the matter in dispute. I have no reason to disagree with the Council's conclusion that the rest of the proposed development is acceptable in planning terms. My reasoning below therefore relates to the rear dormer window.
5. 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. Policies CS5 and DM01 have been replaced by Policies CDH01 and CDH05 of the BLP and are now the policies relevant to the determination of this appeal.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 am satisfied that no interested parties have been prejudiced by my approach. I have considered the appeal based on the relevant replacement policies set out within the BLP.

Main Issue

6. The main issue is the effect of the proposed development upon the character and appearance of the host property and the area.

Reasons

7. The appeal site is a two-storey terraced property in a residential area. It fronts Sunny Gardens Road with the rear of the property facing towards the rear of properties on Sunningfields Road. The property comprises flats to the ground and first floor levels, and the ground floor flat has a relatively large single-storey rear extension. The front and rear elevations feature a render finish with a red tiled roof. The immediate area is predominantly characterised by two-storey properties and there are a variety of extensions and alterations to roofs. The proposal relates to the first floor flat and would facilitate new accommodation within the roof space.
8. Supplementary Planning Document: Residential Design Guidance (2016) (the SPD) states that dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope. The materials should be in keeping with those on the rest of the house and its cheeks should be finished with lead, tiles, slates or other traditional materials. Some allowance is made for constraints on smaller terraced houses, providing these and other requirements are clearly and robustly demonstrated.
9. Despite some attempts at subservience, alignment with windows below and the presence of the ground floor extension, due to its scale in relation to the existing roof, its design and proposed materials, the proposal would be a significant, disproportionate and incongruous addition to the roof of the property. The dormer window would only be set down from the ridge and set in from the sides by a small amount and would occupy almost the entire roof.
10. Therefore, due to its height, width and design, the dormer window would result in an unduly large and bulky feature dominating the roof slope and harming the appearance of the host property. Whilst it would incorporate materials used elsewhere on the external walls of the property, alongside the overall scale, the use of render to the dormer window would exacerbate the overall adverse visual impact, with the property appearing as a more substantial three storey building.
11. Given its position within the terrace, there are views towards the rear of the property from Nursery Walk, albeit these are more limited and seen in the context of other roof extensions that are more prominent. However, the proposal would also be clearly visible from a number of neighbouring properties and their rear gardens, appearing as an unduly incongruous feature on account of its bulk. Due to its overall scale, design and materials, the dormer window would not relate well to the character or appearance of the host property, or its surroundings.
12. My attention has been drawn to other roof alterations in the area. I observed some differences with other development in terms of their scale and materials. Many alterations use similar materials to reflect those of their main roofs, including adjacent at No 71 Sunny Gardens Road. Despite its width, that dormer is also more subordinate in scale to its host property given its position in relation to the eaves and the proportion of roof that is covered. The extension to the rear of No 73 appears more as a three-storey building due to its solid form and materials,

although from the evidence before me and what I was able to observe, this is not typical of surrounding development.

13. The circumstances behind each development are likely to be different and based on the limited evidence before me, I am not persuaded that they are directly comparable to the appeal scheme. In any event, every appeal must be considered on its own merits, as I have done in this case. The presence of other roof extensions and extended properties in the area is not a reason to allow unacceptable development.
14. I note the appellant's comments on the allowance made for smaller terraced properties in the SPD, as well as the aims to optimise the size and create a more spacious dwelling. However, from the evidence before me, it has not been clearly demonstrated that the SPD is satisfied in this respect. In any event, the reasons provided do not justify the harm I have identified or alter my conclusion on the main issue.
15. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and the surrounding area. It therefore conflicts with Policy D3 of The London Plan, The Spatial Development Strategy for Greater London (2021) and Policies CDH01 and CDH05 of the BLP. Amongst other things, these policies require development to enhance local context, respond sensitively to local character, complement the character of the existing building in terms of style, form and materials, be subordinate to the existing building, and follow good design principles. The proposal also conflicts with the SPD.

Other Matters

16. Where the proposal has been found to be acceptable by the Council in other respects, including in terms of the effects on the living conditions of neighbouring residents, these are neutral matters and weigh neither against nor in favour of the development.
17. I appreciate that the appellant has attempted to overcome the concerns previously raised but the amendments still result in a proposal that harms the character and appearance of the host property and the area.

Conclusion

18. 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 is dismissed.

N Armstrong

INSPECTOR