



# Appeal Decision

Inquiry held on 18 October 2006

by **Steven Fox** BA MA MRTPI

an Inspector appointed by the Secretary of State for  
Communities and Local Government

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Date  
24 Oct. 06

## Appeal Refs: APP/N5090/C/05/2005196 and 2005197 15 The Drive, London NW11 9ST

- The appeals are made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr and Mrs Reich against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 15 November 2005.
- The breach of planning control as alleged in the notice is the erection of hip to gable and rear dormer window roof extensions.
- The requirements of the notice are:
  - (i) Permanently remove the roof extension from the property
  - (ii) Permanently remove from the property all constituent materials resulting from the above works
  - (iii) Reinststate the roof to its original specification with roofing tiles to match existing.
- The period for compliance with the requirements is 6 months.
- The appeals are proceeding on the grounds set out in Section 174(2)(a) (c) and (f) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeals are allowed subject to the enforcement notice being corrected in the terms set out below in the Formal Decision.**

### Matters Relating to the Notice

1. At the inquiry I questioned the accuracy of the wording of the alleged breach in referring to a hip to gable roof extension. This suggests that the line of the ridge is extended and a full height gable end is formed. But this is not the case with the development in question, which is more accurately described as a side and rear roof extension (the term used in Requirement 5i.). The parties agreed that the notice should be corrected to more accurately describe the alleged breach and I consider this can be done without injustice.

### The Ground (c) Appeals

2. The appellants maintain that the works that are the subject of the notice are permitted by virtue of a planning permission dated 19 August 2003 (ref C15394/03). The development described in that planning permission is 'dormer windows to the front' and the permission relates to nos.13 and 15 The Drive. My attention was drawn to the 'informative', which refers to the application plans numbered 135/10 and 135/11. The argument is that these plans show a floor layout consistent with a loft conversion incorporating side and rear roof extensions, as now built, and that the plans are incorporated in the grant of planning permission.
3. The matter is complicated by the inability of the Council to produce the plans referred to. The relevant planning file has been mislaid. The appellants supplied copies of plans

obtained from the architect and numbered 135/10 and 135/11, although they are titled 'Front Dormer at nos 13 and 15 Holmfield Avenue, London NW4'.

4. Even if I accept that, despite the different address given, these plans are the ones referred to in the notice of grant of planning permission I am not persuaded that they indicate works other than the installation of front dormers. The front elevation does not show any alterations to the side roof slope of no. 15 to provide an extension, and the floor plan of the loft does not indicate the insertion of roof lights or windows other than the front dormer. Above all, I consider the meaning of the 2003 planning permission is apparent from its face and the development permitted is described in unambiguous terms.
5. My conclusion is that the works referred to in the enforcement notice fall outside the scope of the 2003 planning permission and therefore comprise development carried out without the benefit of planning permission. Consequently there has been a breach of planning control and the ground (c) appeals are unsuccessful.

### **The Ground (a) Appeals**

6. Number 15 is one of a pair of semi-detached houses (the other being no. 13) on the south-west side of The Drive, situated within a primarily residential area. In addition to the installation of a front dormer (permitted under planning permission C15394/03) the roof has been altered and extended to the side and rear. These extensions appear identical to those carried out as permitted development at no.13. The side extension has a pitched/mansard-type roof with a roof-light facing towards the street, and at the rear the extension links to that of no. 13 and occupies the full width of the property.
7. From what I have seen, heard and read I consider the main issue to be the effect of the development on the character and appearance of the property and the area generally.
8. The recently adopted Unitary Development Plan (UDP) seeks, through policies D1 and D2, to ensure that the design of new development is of a high quality and respects the character of its surroundings. Policy H27 says that extensions should be in keeping with the host building and its neighbours and maintain the appearance of the street scene. The Council has produced supplementary planning guidance (SPG) for house extensions, offering general advice and setting out the principles of good design, appropriate scale and materials for extensions and dormer windows. Because this document has been the subject of separate public consultation it carries considerable weight.
9. The Drive and nearby roads are characterised by semi-detached houses, the majority of which have retained their original hipped roof form. However, there are a significant number of properties that have been altered by the addition of front, side and rear roof extensions of varying scales and designs, ranging from modest pitched roof dormers to full width extensions and, in a few cases, the alteration of the roof from hip to gable form. These alterations have significantly eroded the former homogeneity of house style and appearance and this is not only evident in views up and down The Drive but also in longer views across the backs of houses and through gaps in the street frontages.
10. In the case of no. 15 the works carried out to the roof mirror those undertaken at the adjoining property no. 13. This has the effect of giving the pair of semis a balanced appearance. This symmetry is particularly noticeable in close views from The Drive and when seen from Elmcroft Crescent and Montpelier Rise across the backs of other houses.

The Council argues that whilst the unauthorised works bring a degree of balance to the appearance of nos 13 and 15 when seen in isolation, in the wider scene the roof extensions have a detrimental effect on the area generally.

11. Taken in the context of the overall street scene I do not consider that in views along The Drive the side extension is unduly prominent or obtrusive. Although it involves building up the end wall of the house and inserting windows its scale and mass is not such that it appears overbearing when seen from the street. The incorporation of a sloping section of roof aids assimilation with the parent building and, together with its scale, avoids it appearing as an unduly jarring, incongruous feature. The rear section of the extension is open to view across the backs of nearby properties but its relationship with the extension to no. 13 cannot be ignored. Whilst these extensions are individually and cumulatively significant alterations to the roof slope they combine to give balance without being overbearing.
12. When taken in isolation the unauthorised works may not comply with aspects the Council's SPG, but I have considered the acceptability of this development in the context of its immediate and wider surroundings and conclude that it does not cause material harm to the character and appearance of the host building or the area generally. Consequently I do not find conflict with the UDP policies referred to above.
13. I have taken into account all other matters raised. The Council produced two appeal decisions but at the inquiry accepted that these involved full hip to gable conversions whereas the appeal before me does not. Further, the properties concerned are not in the immediate vicinity of the appeal property, whose extension I have considered on merit and in light of the character of the surrounding area.
14. Because I find the development to be acceptable it is not necessary to consider the fall-back position put to me by the appellant, or the view expressed by the Council that the scheme granted planning permission in 1998 would be acceptable as an alternative to what has been built.
15. The ground (a) appeals are successful and I shall grant planning permission for the retention of the development. It follows that it is not necessary to consider the ground (f) appeals.

### **Formal Decision**

16. I direct that the enforcement notice be corrected by deleting from Part 3 (The Breach of Planning Control Alleged) the words 'hip to gable and rear dormer window' and substituting 'side and rear'.
17. Subject to this correction I allow the appeals, and direct that the enforcement notice be quashed. I grant planning permission, 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 erection of side and rear roof extensions at 15 the Drive, Golders Green, London NW11 9ST.

*Steven Fox*

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr T Cosgrove	Of Counsel, instructed by Planning and Project Management Services
He called	
Mr A Ormonde	Proprietor, Planning and Project Management Services

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Henry BA DipUP	Manager, Planning Appeals and Enforcement
He also gave evidence	

DOCUMENTS

Document 1	List of persons present at the inquiry
Document 2	Extract from the UDP
Document 3	Plans submitted by the appellant.