



Appeal Decisions

Hearing held on 18 March 2008

by **C F Trewick MRICS**

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

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Decision date:
3 April 2008

Appeal A - ref: APP/N5090/A/07/2057859

57 Ridge Hill, London NW11 8PR

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- It is made by Mrs Ross against the decision of the London Borough of Barnet.
- The application (ref: C11970E/07) dated 21 August 2007, was refused by notice dated 16 October 2007.
- The subject of the application is: retention and alterations to roof including rear dormer to facilitate a loft conversion.

Summary of Decision: The appeal is allowed, and planning permission granted, as set out below in the Formal Decision.

Appeals B - refs: APP/N5090/C/07/2045904 & 2045905

57 Ridge Hill, London NW11 8PR

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- They are made by Mr & Mrs Ross against an enforcement notice issued by the London Borough of Barnet.
- The Council's reference is: C11970D/07/ENF.
- The notice, issued on 16 April 2007, is in respect of an alleged breach described as: the erection of a rear dormer and hip to gable roof extensions.
- The requirements of the notice are: (1) demolish the rear dormer and hip to gable roof extensions and (2) permanently remove their constituent elements from the site.
- The period for compliance with the requirements is: 6 months.
- The appeals were made on the ground (c) set out in section 174(2) of the Town and Country Planning Act 1990 (as amended). Subsequently, ground (c) was withdrawn, and grounds (f) & (g) added. Since the prescribed fees have not been paid within the specified period, the applications for planning permission deemed to have been made under section 177(5) of the Act (as amended) do not fall to be considered.

Summary of Decision: No further action

Application for costs

1. Prior to the Hearing, an application for costs was made by the Council against the appellants. This is the subject of a separate decision.

APPEAL A

2. The application that is the subject of this appeal was for the retention of the unauthorised development that has led to the issue of the enforcement notice.
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3. A number of policies in the adopted Barnet UDP have been cited by the Council in support of its case (GBEnv1, D2, D7 & H27). The key message of these policies is clear - that new development has to be sensitive to its surroundings. Policy H27 specifically deals with extensions to houses – it requires that such development must harmonise with the host building and its neighbours (in terms of scale, proportion and general design), maintain the appearance of the street-scene, and not harm the living conditions enjoyed by neighbours. I consider that the issue in this appeal is whether the retention of this extension is justified in terms of the requirements of these policies.
4. Assistance on how these policies can be met is given by the Council in its Design Guidance Note No 5 “Extensions to Houses”. This does not have the force of adopted policies, but it does helpfully set out, sometimes pictorially, what is likely to meet the Council’s policies, and what is not. It is clear that in the design of this extension little regard has been given to this guidance. When seen from the back garden, the extension, far from being a subordinate feature in this roof, has turned this 2-storey house into a full 3-storey one. But, in addition, the windows are over-large compared with the existing ones, and this increases the ‘top-heavy’ and over-dominant appearance of the extension. This failure to harmonise with the design of the existing house puts this extension in conflict with the relevant policies. Appeals, as with applications, have to be determined in accordance with adopted planning policies, unless material circumstances indicate otherwise, so this conflict weighs against allowing this appeal.
5. Having said that, there is very little impact on the Ridge Hill street-scene, because only the part of the extension at the side of the house can be seen, and that is not obtrusive. Otherwise, as far as I could tell, the extension can only be seen by the general public from Wayside, but that road is some 80m away, and I have to say that the extension is not very prominent from that direction. Of course, it will be seen from the backs of the houses in Gresham Gardens, but those houses are also some 80m away. So, it is only from the gardens of a few of the Ross’s immediate neighbours that the extension may have some visual impact. In this regard, I note that no written objections have been made by neighbours, whether at application or appeal stage.
6. Even so, all that, on its own, would not necessarily be sufficient to outweigh the conflict with policies. But there is a further, and unusual, factor in this case. The other half of this pair of semi-detached houses (No 55) has already been extended in virtually the same way as the Ross’s at No 57. The Council accepts that the extension at No 55 was ‘permitted development’ (and also that the Ross’s extension could also have been ‘permitted development’ had the demolition of a ground floor addition been carried out before work started on the roof extension). But the effect of building the extension at No 55 would, at the time it was built, have been to seriously unbalance the symmetry of this pair of semi-detached houses, to the detriment of the general appearance of this area. On the other hand, the construction of the extension at No 57 has now restored the equilibrium. Both of these extensions are insensitive in design terms, and, as far as that is concerned, it can be argued that two wrongs cannot make a right. But I give significant weight to the fact that the balance brought about by the extension to No 57 has benefited the appearance of this pair of houses and its surroundings. The removal of the extension would

have the negative consequence of returning this pair to a visually unbalanced state.

7. My attention has also been drawn to a successful appeal in 2006, also involving a semi-detached house (only a few hundred metres away), where the matter of the disputed roof extension having the effect of balancing a similar addition next door, was a contributory factor in the Inspector's decision.
8. I have weighed up these factors very carefully. I must make it clear that I take no issue with the relevant Council policies, nor with its design guidance on roof extensions. However, in the particular (and, perhaps, peculiar) circumstances of this case, I have come to the conclusion that the balance does just lie in favour of allowing the extension to stay.
9. I have taken into account all other points raised in the appeal, but they have not led me to a different decision. Since permission is being granted, there is no need for me to take any further action in respect of Appeal B. Under the provisions of section 180 of the Act, the enforcement notice shall cease to have effect so far as inconsistent with the planning permission that is to be granted.

FORMAL DECISIONS

APPEAL A – ref: APP/N5090/A/07/2057859

10. I allow the appeal, and grant planning permission for the retention and alterations to roof including rear dormer to facilitate a loft conversion, at 57 Ridge Hill, London NW11 8PR, in accordance with the terms of the application, (ref: C11970E/07) dated 21 August 2007, and the plans submitted with it.

APPEALS B – ref: APP/N5090/C/07/2045904 & 2045905

11. No further action.

C F Trewick

Inspector

PARTICIPANTS IN THE HEARING

FOR THE APPELLANTS

Alvin Orminde - PPMS, 32 Sneath Avenue, London NW11 9AH

Jason Ross - the appellant, 57 Ridge Hill, London NW11 8PR

FOR THE OOUNCIL

David Morren - Planning Department, London Borough of Barnet

FURTHER DOCUMENTS AT THE HEARING

Document 1 - appeal decision for 15 The Drive NW11

Document 2 – photographs of the extension