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## Appeal Decisions

Site visit made on 22 June 2021

**by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> July 2021**

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### **Appeal A Ref: APP/P1940/W/21/3266663 27 Bishops Avenue, Northwood HA6 3DD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Mehta against the decision of Three Rivers District Council.
  - The application Ref 20/1167/FUL, dated 15 June 2020, was refused by notice dated 11 August 2020.
  - The development proposed is the demolition of an existing dwelling and the construction of a new two-storey dwelling.
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### **Appeal B Ref: APP/P1940/D/21/3266672 27 Bishops Avenue, Northwood HA6 3DD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended).
  - The appeal is made by Mr A Mehta against the decision of Three Rivers District Council.
  - The application Ref 20/1810/PDT, dated 1 September 2020, was refused by notice dated 4 November 2020.
  - The development proposed is "Prior approval: Enlargement of the dwellinghouse by the construction of one additional storey (3.5m in height) and raising of ridge to result in an overall height of 8.5m (Class AA) the demolition of an existing dwelling and the construction of a new two-storey dwelling."
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## **Decisions**

1. Appeals A and B are dismissed.

## **Procedural Matters**

2. Appeal A relates to a full planning application whereas Appeal B relates to a prior approval under Class AA of the GPDO. In respect of Appeal B, the Council's description of the proposal has been used for the sake of accuracy, relevance and preciseness. The main differences between the proposals relate to building position relative to the road, the extent of two storey development across the plot, and the depth of the flank extension to the south.
3. In Appeal A, the replacement two storey dwelling would be positioned forward of the main part of the former bungalow but behind a single storey garage in front of the bungalow. The new dwelling's southern two storey would be stepped back by approximately 0.5m from its main two storey frontage and would be designed within a steeply pitched facing catslide roof, with dormer within, and a pitched roof over. The pitched roof would be lower than the fully hipped roof over the central two storey part of the new dwelling. On the other

side of the central two storey extended part of the dwelling, the dwelling would be single storey.

4. To the south, the dwelling's flank elevation would be full two storey with two low hipped pitched roofs above, with a valley separating them. To the rear of this, the existing bungalow's rear conservatory and basement would be replaced with a lower two storey which would include a basement floor made possible by significantly excavating the ground at this point. This element would be set lower down than the rest of the dwelling by virtue of lower ground levels.
5. In contrast, the Appeal B proposal would result in an additional storey above the single storey of the bungalow, including its garage. This would result in a greater full two storey form across the frontage of the site. The roof above would be pitched, hipped at either end. The southern flank elevation of the extended dwelling would be reduced in depth in comparison with Appeal A and proposal would make no changes to the existing conservatory and basement to the rear. To avoid duplication, the two schemes have been dealt with together, except where otherwise indicated but each proposal will be considered on its individual merits.
6. For Appeal B, the GPDO grants planning permission for the enlargement of a dwellinghouse by the construction of one additional storey, where the existing dwellinghouse comprises one storey, subject to limitations and conditions under Article 3(1) and Schedule 2, Class AA. In this regard, a condition is that before beginning the development, the developer must apply to the Council for prior approval. In this respect, the Council has refused the prior approval because it considers that the proposal does not comply with a condition in paragraph AA.2 (3) (ii). It would harm the external appearance of the dwellinghouse.
7. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

## **Main Issues**

8. In Appeal A, the main issue is the effect of the proposal on the character and appearance of the area.
9. In Appeal B, the main issue is whether or not the proposal would accord with the provisions of Part 1, Class AA, with particular regard to the external appearance of the dwellinghouse, including the design and architectural features of its principle elevation.

## **Reasons**

### *Character and appearance*

10. The appeal site comprises a bungalow which is constructed with a red facing brick exterior and a dark tiled hipped roof. The surrounding area consists of a mixture of bungalows and two storey dwellings. Either side of the appeal property, there are bungalows. Beyond the neighbouring bungalow to the north, there are two storey dwellings starting with that at 31 Bishops Avenue. In the other direction bungalows mainly dominate, although at 23 Bishops

Avenue, a bungalow has been extended upwards with accommodation within a large roof. Opposite the appeal site, there are two storey dwellings. Despite this, dwellings are set back from road frontages in spacious and landscaped plots, and the street scene is attractive, along with the character and appearance of the area.

11. Policies CP1 and CP12 of the Three Rivers District Council Core Strategy (CS) 2011 state, collectively and amongst other matters, that all development proposals should promote buildings of high enduring design quality that respects local distinctiveness, should have regard to the local context, and should conserve or enhance the character, amenities and quality of the area. Policy DM1 of the Three Rivers District Council Development Management Policies (DMP) 2013 states, amongst other matters, that development will only be permitted where it would fail to preserve the character of the area. Appendix 2 of the DMP details a list of criteria for new residential development, including that front extensions should not be excessively prominent, which the supporting text indicates should be applied flexibly on a site by site basis.
12. Such policies are directly relevant and important to the consideration of planning application proposal in Appeal A. For Appeal B, these policies are just a reference point in inform the terms of assessment for the prior approval proposal in respect of the external appearance of the dwellinghouse.
13. In both proposals, there would be matching materials, fenestration and similar hipped and pitched roof forms in relation to the bungalow. However, the main two storey flank of the Appeal A proposal would be extensive in depth and size, and despite the lower hipped pitched roofs above, full two storey in height. The frontage pitched roof and dormer at first floor would also appear bulky and dominant, given the roof would be so steeply pitched.
14. In distant views along Bishops Avenue, the flank of the Appeal A dwelling would not be conspicuous by reason of distance and screening provided by the roof of the adjacent bungalow. However, in the immediate vicinity of the appeal property, the flank would be prominent and visually intrusive due to its size, height and projection partly forward of the neighbouring bungalow. Accordingly, the Appeal A development would not represent good design and would adversely affect the character and appearance in conflict with Policies CS1 and CS12 of the CS and Policy DM1 of the DMP, and the design criteria with DMP's Appendix 2.
15. In Appeal A, the rear two storey of the dwelling, with its basement, would be partially set within the ground and would replace an existing part of the bungalow. It would be discretely sited, being located well behind the street frontage, and on land that is at a lower level. Nevertheless, the acceptability of this part of the proposal in terms of character and appearance does not overcome the objections due to prominence raised above.
16. At 31 Bishops Avenue, planning permission has been granted for the partial demolition of the existing house and the erection of a two storey and single storey side and rear extensions and alterations to existing roof form. The extended house has a full two storey height flank, with pitched roof above, on ground that is slightly higher than the neighbouring bungalow at 29 Bishops Avenue. It would be approximately 1.5m from the common boundary with this property. However, the contrasting scales between the bungalow and the extended house serve to illustrate and confirm my view that the Appeal A

proposal would adversely affect the character and appearance of the area by reason of size and bulk. In any case, every proposal has to be considered on its own particular planning merits.

17. In Appeal B, the extended dwelling would be no further forward than the existing bungalow, relative to the road, because it would utilise the bungalow's footprint. However, it would be two storey, with roof above, across the full width of the existing bungalow. Such a width would give rise to a considerable expanse of development and its scale and height would noticeably rise above the existing bungalows either side. The additional storey has been described as a symmetrical and balanced but the proposed frontage elevation does not illustrate this. It shows a projecting two storey on one side which would be forward of the neighbouring adjacent bungalow. This would add to the sense of undue prominence of the development. The principle elevation of the extended dwelling would also have an overly stark appearance given the extent of facing brickwork with little design articulation to break up its scale and size.
18. The gaps between the extended dwelling and the adjacent bungalows would be too small to reduce this adverse effect. This appeal proposal would result in a two storey dwelling considerably wider than the permitted development at No 31 and not in a location with bungalows either side. Therefore, there are significant differences between this proposal and that permitted development. For all these reasons, the external appearance of the proposed development, having regard to the principle elevation, as set out in paragraph AA.2 (3) (ii) of the GPDO, would be adversely affected within the context of the street scene.

#### *Other matters*

19. The appellant requires the upgrading of existing accommodation to provide for his family and to improve their quality of life. However, it has not been demonstrated that there are no other ways of designing extensions in an acceptable way with the same benefits. In any case, the harm to the character and appearance of the area would be significant and these benefits would be limited being largely restricted to those living in the property. Therefore, these considerations would not individually or cumulatively outweigh the harm of the proposal in Appeal A and, even if it could be assessed as material, in Appeal B.

#### **Conclusion**

20. In Appeal A, the proposal would harm the character and appearance of the area in conflict with the policies of the CS and DMP, and the development plan, taken as a whole. It would not result in a well-designed place in accordance with the Framework. There are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused. In Appeal B, the prior approval should be refused for the reasons set out. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be dismissed.

*Jonathon Parsons*

INSPECTOR