



Appeal Decision

Site Visit made on 6 September 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2021

Appeal Ref: APP/M5450/D/21/3269784
50A Old Church Lane, Stanmore HA7 2RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr A Atanasov against the decision of London Borough of Harrow.
 - The application Ref P/4038/20, dated 6 November 2020, was refused by notice dated 14 January 2021.
 - The development proposed is described on the application form as: 'Erection of additional two storey with similar design and matching materials as existing first floor. Bay window to additional storey will be similar to existing first floor bay window projection.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst a bay window is referred to in the description of development given on the application form, no such feature makes up part of the proposed works now before me for consideration. I shall consider the appeal on this basis.
3. Since the determination of the application that is now the subject of this appeal, the London Plan 2021 was published in March 2021. Further, a revised version of the National Planning Policy Framework (the Framework) was published in July 2021. Due to the limited implications of these occurrences for the proposal that is under consideration, I have not considered it necessary to seek the respective views of the main parties.
4. The appellant would appear to be suggesting that the proposal should be considered against Class AC of Part 20 of Schedule 2 to the GPDO, as opposed to against Class AA of Part 1. Class AC relates to new dwellinghouses on terrace buildings in use as dwellinghouses. It must be noted that the application form that was submitted specifically references Class AA of Part 1 and that the Council evidently considered the application to determine if prior approval is required on this basis. Indeed, the submitted plans indicate the enlargement of a dwellinghouse by the construction of additional storeys. For the avoidance of doubt and in the interests of fairness, I shall consider the appeal against the requirements of Class AA of Part 1 of the GPDO.

Main Issues

5. The main issues are:

- Whether or not the proposal would be permitted development under Schedule 2, Part 1, Class AA, Paragraph AA.1 of the GPDO; and
- Whether or not the external appearance of the dwellinghouse would be acceptable.

Reasons

Whether or not permitted development

6. Class AA of Part 1 offers a permitted development right for the enlargement of a dwellinghouse consisting of the construction of up to two additional storeys immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purposes of construction.
7. Paragraph AA.1 of Part 1 sets out various circumstances where development is not permitted by Class AA, which include, under sub-paragraph (h), where the floor to ceiling height of any additional storey, measured internally, would exceed the lower of 3 metres or the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse.
8. The submitted plans indicate that two additional stories of internal floor space are proposed, with the uppermost of these being intended to be accommodated (for the most part) within the newly created roof space of the property. The submitted side elevations¹ are clearly annotated to indicate intended floor levels and internal floor to ceiling heights. I am satisfied that the floor to ceiling height of each additional storey would measure less than 3 metres and not exceed the respective floor to ceiling height of any existing storey of the appeal property.
9. Thus, as I have no reason to consider that the proposal would fail to comply with sub-paragraph (h), or with any other provision listed under Paragraph AA.1, the proposal would be permitted development under Schedule 2, Part 1, Class AA, Paragraph AA.1 of the GPDO.

External appearance

10. The provisions of sub-paragraph (3) of Paragraph AA.2 of Part 1 require the developer to apply for prior approval with respect to several different matters. The Council's second reason for refusal confirms that the only prior approval matter in contention relates to point (ii), the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse.
11. The local area to the site is predominantly residential and is comprised of properties of a variety of differing sizes and designs. Nevertheless, the appeal property makes up part of a well-balanced terrace of two-storey houses that exhibit consistent heights, roof forms and external facing materials. It is also important to note that upper floor window openings to the principal elevations of these properties are uniformly positioned to the immediate underside of the terrace's eaves.

¹ Drawing Nos 02 and 03

12. The additional storeys would be topped with a pitched roof and be constructed from complementary external-facing materials with window openings sized to match existing. Even so, a wide gap would result between the top of the second-floor windows and the property's eaves. This would promote that the intended enlargement would appear excessively bulky, and as an unsympathetically designed addition to both the appeal property and wider terrace. Indeed, the additional storeys would fail to suitably respect the existing design and external appearance of the appeal property's principal elevation.
13. For the above reasons, the external appearance of the dwellinghouse would be unacceptable. The scheme conflicts with Policy DM1 of the Harrow Council Development Management Policies (July 2013), the Framework and the Harrow Council Residential Design Guide Supplementary Planning Document (December 2010) in so far as these policies and guidance set out that the assessment of the design and layout of proposals will have regard to the appearance of proposed buildings.

Other Matters

14. I accept that the principle of development is established through the GPDO. I have also noted references to the scheme's potential benefits. However, unlike where an application for planning permission has been submitted, my considerations are necessarily limited to the conditions, limitations and restrictions specified within Paragraphs AA.1 and AA.2 of Part 1 to Schedule 2 of the GPDO. For the avoidance of doubt, as I have identified that the external appearance of the dwellinghouse would be unacceptable, prior approval should be refused.

Conclusion

15. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR