



Appeal Decision

Site visit made on 19 October 2021

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 10 November 2021

Appeal Ref: APP/Y5420/D/21/3277589

2 Lemsford Close, London N15 6BY

- 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 appeal is made by Mr Hirsch Rotenberg against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/0653, received by the Council on 22 February 2021, was refused by notice dated 1 April 2021.
 - The development proposed is erection of additional storey.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed second floor extension is permitted under Schedule 2, Part 1, Class AA of the GPDO¹, having regard to the external appearance of the dwelling and the amenity of adjoining occupiers.

Reasons

Appearance

3. The appeal concerns a terraced property with a flat roof. The proposed second floor extension would closely reflect the architectural style of the existing property, both in terms of its flat roof and the placement of windows. Viewed in isolation of adjoining development, the proposed extension would be in accordance with the design of the host property.
4. However, the appeal property is within a terrace of other properties which all share a similar design. As such, the street scene in this particular part of Lemsford Close displays a high degree of architectural consistency which contributes to its appearance. Although there are a number of taller buildings nearby, these are of a different design and are visually distinct from the row of terraced properties which the appeal property is part of.
5. The extension would add an additional storey to the property which would clearly protrude above the level of the adjoining flat roofs. This would give the terrace an uneven profile when seen from Lemsford Close, with the appeal

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

- property appearing inconsistent with its neighbours. The disruptive effect of the extension on the appearance of the terrace would be particularly noticeable as the street scene here is open aspect, directly facing parkland. In oblique views from within the surroundings, the side elevations of the extension would be clearly seen above the height of the adjoining flat roofs.
6. The proposed extension would therefore appear out of keeping with the external appearance of the appeal property taking into account its placement within the adjoining terrace. Hence, the proposal would not accord with Paragraph AA.2(3)(a)(ii) of the GDPO which indicates that before beginning the development, the developer must apply for prior approval as to *the external appearance of the dwellinghouse, including the design and architectural features of-* (aa) *the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.*
 7. The appellant argues that the wording of Paragraph AA.2(3)(a)(ii) means that the only relevant consideration is the effect of the proposed extension on the principal elevation of the dwelling and no account should be taken of the wider street scene. However, the wording above refers to the external appearance of the dwellinghouse, *including* the design and architectural features of the principal elevation. This indicates that matters for consideration are not purely confined to the appearance of the principal elevation but can include other things of relevance. Indeed, it seems to me that in this particular case it is not appropriate to consider the external appearance of the appeal property in isolation, especially as it is physically joined to a terrace which forms a relevant aspect of the external appearance of the building.
 8. My attention has been drawn to an Appeal Decision² where an extension to a property in Waterlooville was approved. The Inspector in that particular case determined that the effect of the development on the street scene was not a relevant consideration given the wording of the GDPO. Yet while I note the approach taken by the Inspector in that case, I do not consider that it establishes a convincing precedent for the current appeal. Each case must be determined on its individual merits and, where prior approval requires the external appearance of a dwelling to be assessed, it will be a matter of planning judgment as to whether consideration should be given to the building's relationship with nearby properties. In the current appeal, I have determined that the placement of the dwelling within a terrace is of relevance and, for reasons given above, that the proposed extension would not be in accordance with Paragraph AA.2(3)(a)(ii) of the GDPO.

Amenity

9. Although the extension would introduce a window on the second floor, I am mindful that there are rear facing windows at first floor level along the whole terrace. Hence, the rear gardens of adjoining dwellings are already overlooked to some degree. While the introduction of a window at a higher level would enable occupants of the appeal property to gain more expansive views to the rear, this would not undermine the privacy of adjoining occupiers to any great extent. Due to the height of the proposed extension, the main outlook from the new window is likely to be over the properties in the adjacent terrace rather than directly downwards into the adjoining gardens.

² Appeal Decision: APP/X1735/D/21/3269472

10. I note that the rear gardens of the adjoining properties are relatively narrow and that the extension would be positioned high above them. However, considering that there is an area of public open space separating these rear gardens from the adjacent terrace to the south, the extension would not lead to a sense of enclosure. A relatively open outlook would be maintained from within these adjoining gardens.
11. Overall, the proposal would be acceptable in terms of Paragraph AA.2(3)(a)(i) of the GDPO, which refers to the impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light.

Conclusion

12. Although I have found that the proposed extension would be acceptable in terms of amenity, the external appearance of the property would be harmed. For the reasons given above, the development is not permitted under the terms of the GDPO. The appeal should therefore be dismissed.

C Cresswell

INSPECTOR