
Appeal Decision

Site visit made on 30 November 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2022

Appeal Ref: APP/Y5420/W/21/3275870

28-39 Bronhill Terrace, Lansdowne Road, London N17 0LN

- 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 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Liberty Estates London Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/3152, dated 17 November 2020, was refused by notice dated 14 January 2021.
 - The development proposed is a two-storey roof extension above principal building to create 8 additional dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Application Ref HGY/2020/3152 was made on 17 November 2020 under provisions of the GPDO for a two-storey roof extension above the principal building to create 8 additional dwellings (as set out on the appeal form). Consistent with the planning application form and the Council's decision notice of 14 January 2021, paragraph 1.2 of the appellant's statement of case sets out how prior approval was sought under the provisions of Schedule 2, Part 20, Class AA of the GPDO.
3. Part 20 of Schedule 2 to the GPDO is entitled 'construction of new dwellinghouses', and now comprises several classes of permitted development for the construction of new dwellinghouses in different circumstances (each subject to various limitations and conditions). Class AA is 'new dwellinghouses on detached buildings in commercial or mixed use' and came into force on 31 August 2020 (preceding the application to which this appeal relates).
4. However, 28-39 Bronhill Terrace is a residential block, rather than in commercial or mixed use. Thus, Class AA is not applicable, and 28-39 Bronhill Terrace does not benefit from such permitted development rights (and accordingly, strictly, the appeal should fail).
5. However, it is evident from the cases made to me at appeal that both parties have assessed the proposal as if made in respect of Schedule 2, Part 20, Class A of the GPDO ('Class A'). Class A is entitled 'new dwellinghouses on detached blocks of flats'. Notwithstanding my reasoning in the paragraph immediately

above, in the interests of fairness, I have assessed the scheme on that basis. That is an approach which I do not consider would be prejudicial to any party.

6. Although the Council have referred to Policies DM1 and DM12 of the Haringey Development Management DPD (the DPD) (adopted July 2017), SP11 of the Haringey Local Plan Strategic Policies 2013 – 2026 (SP) (adopted March 2013) and 7.4 and 7.6 of the London Plan (LP) (2016 version), I am required to assess the proposal as a prior approval application as set out within the parameters of the GPDO. Regard can be had to development plan policies insofar as they are material considerations, however they are not the starting point for determining the acceptability of a scheme given as in the case of a typical planning application.
7. Although policies from the 2016 London Plan were given in the reason for refusal, the Council has supplied Policy D6 from the 2021 updated version of the London Plan. I note the updated LP was published some time before the submission of the appeal and as such, I am satisfied both parties have had the opportunity to consider it.
8. The Council has concluded that the proposal is eligible to be considered under the prior approval process and have not raised any conflict with the requirements of section A.1 (a)-(o) as set out in the GPDO. I have no evidence before me to conclude differently. Accordingly, the focus of this appeal will be the conditions of section A.2. (1)(a)-(h).
9. I understand an appeal has been submitted against a subsequently refused application¹ for a similar proposal at the same building. The appellant's statement of case addresses the reasons for refusal against both proposals in the same document. However, and while it is stated the Inspector may 'choose' which design is more suitable, I have only determined the proposal as detailed in the banner heading in this decision letter. That is the scheme before me.
10. The reason for refusal detailed in the decision notice refers to the effect of the proposal on the character and appearance of the host property and the area. I have dealt with the appeal in accordance with the conditions given in section A.2 (1)(e) which refer to the external appearance of the building.

Main Issue

11. The main issue is therefore the effect of the proposal on the external appearance of the building.

Reasons

12. The appeal building is a four-storey detached apartment block with a parapet wall and an existing roof extension with a mansard roof. The existing third floor would be 'squared off' to accommodate the proposed roof extension, which would add an additional two-storeys to the building.
13. The existing roof extension is positioned behind a parapet wall which aids in the separation of the older and new parts of the building, its subordination to the host building, and reflects traditional building proportions where upper floors decline in prominence and size relative to lower floors. However, while the appellant states the parapet would be retained and that the third floor is to

¹ In respect of Council refusal Ref HGY/2021/0909.

be 'clad' in brick, the plans appear to demonstrate that the parapet would, in form, be effectively absorbed by the squaring off of the third floor. This would cause the roof extension to appear excessively bulky and the building would become top heavy.

14. Although I take on board the appellant's point that additional mass is unavoidable when adding storeys to a building, and that the existing building is of no particular architectural merit, this harm would be compounded by the disproportionately large double height windows and zinc cladding. While I understand the colour of the zinc was chosen to complement the brick of the host building and acknowledge that contemporary design approaches are not necessarily incongruous as a rule, in this case this design would serve to give the extension an elongated and visually discordant appearance. The resultant building would appear haphazard rather than coherently designed, clearly and incongruously at odds with typical building proportions and design.
15. Given the above, the proposal would result in unacceptable harm to the external appearance of the building, particularly given my findings that the proposal would not respect architectural features in terms of materials, massing and fenestration design.
16. Insofar as they are material considerations, I have also had regard to Policies DM1 and DM12 of the DPD, SP11 of the SP and D6 of the LP. Given my findings above, the proposal would also conflict with these policies, which seek, among other things, for all new development and changes of use to achieve a high standard of design.

Conclusion

17. For the above reasons, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR