
Appeal Decision

Site visit made on 9 November 2021

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 26th November 2021

Appeal Ref: APP/N5090/D/21/3281339

27 Hartland Drive, Edgware, London HA8 8RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 A Steinhart against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/2915/PNU, dated 15 March 2021, was refused by notice dated 7 July 2021.
 - The development proposed is described as adding an additional storey to the principal elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), planning permission is granted for the enlargement of a dwellinghouse by construction of additional storeys, subject to limitations and conditions.
3. Those conditions include a requirement that, before beginning the development, the developer must apply to the local planning authority for prior approval as to a number of matters. One of these¹ is the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse. The Council refused to grant prior approval in this respect.
4. When determining an application for prior approval, the GPDO requires² that the local planning authority must have regard to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. I have determined the appeal on the same basis.

Main Issue

5. The main issue raised by this appeal is the effect the development would have on the external appearance of the dwellinghouse.

¹ At Schedule 2, Part 1, AA.2.(3)(a)(ii)(aa).

² At Schedule 2, Part 1, AA.3.(12)(b).

Reasons

6. The existing visual qualities of the detached house depend to a degree on its situation within a street of houses which share a broad similarity, including in terms of materials, architectural features and hipped roofs, as well as a consistent two storey configuration. The design and arrangement of the existing house is relatively balanced with the two storey bay window and vertical emphasis of window frames set against the hipped roof with deep eaves and largely horizontal fenestration openings and the configuration of the principal, in this case front, elevation.
7. The design of the additional floor on the principal elevation would replicate that of the existing first floor and roof including extended chimney stacks. This would create vertically elongated, awkward, somewhat stretched proportions and appearance and would upset the more balanced arrangement of the existing façade. Whilst effort has clearly been made to match the architectural features of the dwelling, overall the development would harm the external appearance of the building.
8. These adverse effects would not be experienced in isolation. Considered within its street scene context of adjacent two storey buildings of similar architectural features and proportions, the result would be inconsistent with the prevailing height and form of neighbouring properties. Even though the extension would not extend across the entire frontage so that the change in heights would appear less abrupt on one side than the other, this would not avoid the frontage of the building appearing conspicuously at odds with its surroundings. Whilst the property is set down from the road, so are its neighbours and its situation would not mitigate this effect. The resulting appearance would have a harmful effect on the street scene in which the house is located.
9. The relevant part of the GPDO does not explicitly set out that the appearance of the building should be considered in terms of its effect on its surroundings. However, this does not mean that in considering the effect of the external appearance of the building, it should be done so without consideration of its context. In this case that context derives some of its qualities from the appeal building and its degree of uniformity with other houses which make up the street scene, and vice versa.
10. The relationship between the appeal site and neighbouring properties is therefore, in this case, a relevant aspect of the consideration of the effect of the development on the external appearance of the building.
11. I have had regard to the Framework, but only in so far as relevant to the subject matter of the prior approval. Therefore, I have considered its policies on making effective use of land and well-designed places.
12. Framework paragraph 120 e), encourages upward extensions of existing residential premises. However, it caveats this by stating that such extensions should be consistent with the prevailing height and form of neighbouring properties and the overall street scene, and that they are well-designed. Consequently, the development would not accord with this policy.
13. The development would not be sympathetic to local character, would not maintain a strong sense of place and consequently not create the high quality, beautiful buildings or places that the Framework (paragraphs 126 and 130)

identifies as being fundamental to what the planning and development process should achieve.

14. The application of those Framework policies would not frustrate the purpose of the grant of the permitted development right through the GPDO in the first place, particularly given the conflict I have found relates to the particular building and configuration proposed and its context.
15. The appellant has drawn my attention to an appeal decision in respect of refusal of prior approval for an upwards extension elsewhere. In that case the Inspector found the GPDO wording to “suggest a relatively narrow assessment” of external appearance. However, as set out above and particularly bearing in mind the GPDO requirement to have regard to the Framework and its policies on upwards extensions and design, in this case I have come to a different view. In any event, that decision will have been based on the circumstances and evidence before the Inspector and I have determined this appeal on its particular merits.
16. In finding that the proposal would harm the external appearance of the building I note that, together and amongst other criteria, Local Plan³ Policy DM01, Core Strategy⁴ Policy CS5 and London Plan, 2021 Policy D3 require development to preserve, respect or respond to existing local character, and respect the appearance, scale, mass, height and pattern of surrounding buildings. The very specific home extension scenarios in the Council’s design guidance⁵ do not relate to the particular circumstances of the proposal and it is less pertinent.

Conclusion

17. For the above reasons the development would have a harmful effect on the external appearance of the dwellinghouse, contrary to the Framework, and the appeal is dismissed.

Geoff Underwood

INSPECTOR

³ Barnet’s Local Plan (Development Management Policies) Development Plan Document, 2012.

⁴ Barnet’s Local Plan (Core Strategy) Development Plan Document, 2012.

⁵ Barnet’s Local Plan, Supplementary Planning Document: Residential Design Guidance, 2016.