



Appeal Decision

Site visit made on 8 February 2022 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2022

Appeal Ref: APP/Y5420/D/21/3286629

60 Beaufoy Road, London N17 8BU

- 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, Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Chaim Bard of Durley Housing Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/2801, dated 14 September 2021, was refused by notice dated 9 November 2021.
 - The development proposed is: the erection of one additional storey immediately above the existing building.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for costs

3. A separate cost application has been submitted by Mr Chaim Bard against the decision of the Council of the London Borough of Haringey. This will be dealt with separately.

Preliminary Matters

4. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended was amended on 31 August 2020 to introduce Class AA to Part 1 of Schedule 2, setting out permitted development rights for development consisting of works for the construction of up to two additional storeys on an existing dwellinghouse that consists of two or more storeys, or for one additional storey on an existing single storey dwellinghouse, together with any reasonably necessary engineering operations.
5. As detailed within the GPDO¹, development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for prior approval. The Local Planning Authority may refuse the application where it considers that the proposal does

¹ Part 1, Class AA, paragraph AA.2(3)

not comply with the limitations or restrictions that are applicable to such permitted development.

6. The provisions of the GPDO require the Local Planning Authority to assess the development proposed solely on the basis of a limited number of considerations. There are effectively two stages to assessment – the first being eligibility. The Council conclude that the proposal is eligible to be considered under the prior approval process and have not raised any conflict with the conditions set out in the GDPO. There is no evidence to conclude differently in that regard. They have however, raised concerns in respect of the effect of the development upon the external appearance of the host property. The consideration of the appeal shall therefore focus on this matter.
7. The Council has referred to various development plan policies. These policies have only been considered insofar as they may be relevant to the context of specific prior approval matters. Therefore, the policies are not determinative of themselves, and the proposal has been considered on its merits in the confines of the prior approval regime.
8. Since the determination of this application, the following High Court Judgement has been handed down: *CAB Housing LTD v SSLUHC & Broxbourne*; *Beis Noeh LTD v SSLUHC & LB Haringey*; *Mati. Rotenberg v SSLUHC & LB of Haringey* [2022] EWHC 208 (Admin). Both parties were given the opportunity to comment on the Judgement, I have considered those comments received.

Main Issue

9. Whether prior approval should be granted having regard to the external appearance of the dwellinghouse.

Reasons

10. No. 60 is a semi-detached bungalow located on a highly visible corner plot. This section of Beaufoy Road is relatively short and comprises of one other pair of symmetrical, semi-detached, bungalows and three pairs of semi-detached two storey properties. Despite the variation in house sizes there is some uniformity in the overall block designs, roof profiles and pattern of development which makes a positive contribution to the overall street scene.
11. By adding an extra floor above, the development as proposed, would fundamentally alter the architectural composition of the property within this street context. Whereas the present roofline is contiguous with the adjacent property, the proposed roof would be significantly taller, resulting in a large blank gable wall along the shared boundary. This would appear incongruous in design terms and have a harmful effect on the external appearance of the dwellinghouse that would also appear inconsistent and off balance with its adjoining neighbour.
12. The proposed materials and roof cover would correspond with the host dwelling. The fenestration pattern would also align with the existing. However, whilst the architectural detailing would match that of the existing dwelling, the additional storey would significantly add to the height of the building. The additional floor would create a disproportionately tall building which would obtrusively tower above that of the adjoining bungalow. This harm would be more apparent when viewed from other parts of the street where it would appear extremely at odds with the adjoining property.

13. Consequently, the resulting external appearance of No. 60 would cause harm to the overall character and appearance of property itself, due to its unsympathetic appearance, and represents poor design. This would in turn result in the proposal having a harmful visual impact on the neighbouring property and wider street scene.
14. The appellant maintains that the Order does not require an assessment of the impact on the wider area but specifically is limited to consideration of the principal elevation. However, whilst the wording of the GPDO refers to the external appearance of the dwellinghouse, it does not specifically exclude consideration of the wider area.
15. Since the application was decided, the recent High Court Judgment *CAB Housing LTD v SSLUHC & Broxbourne; Beis Noeh LTD v SSLUHC & LB Haringey; Mati. Rotenberg v SSLUHC & LB of Haringey* [2022] EWHC 208 (Admin), concluded the control of the external appearance of the dwelling house is not limited to the impact on the subject property itself, but also includes impact on neighbouring premises and the locality. Accordingly, it is appropriate to take into account the surrounding context when reaching an assessment of the impact on the external appearance of the dwellinghouse concerned.
16. Having regard to the above, it is considered that the proposal would conflict with the aims of Policy D6 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policies DM1 and DM12 of the Development Management DPD 2017. These policies amongst other things seek development to be design led and be of a high standard and be reflective of the existing character and appearance.

Other Matters

17. The appellant has submitted details of an approved Lawful Development Certificate for a roof extension at No. 62. The details submitted indicate that the approved development would not exceed the highest part of the existing roof and that it would be set back at least 200mm from the eaves. From the details and the drawings submitted, I see no comparison with this neighbouring dormer extension and the additional floor as proposed. In any event, each proposal is to be determined on its own individual merits.
18. The appellant also states that a similar roof extension could be erected under permitted development rights. However, no evidence has been submitted on the detail of such an extension or as to the likelihood of this being built, such that there is no greater than a theoretical possibility that the development might take place. Furthermore, as the cited fallback position this would not replicate a building of the same dimensions as the proposal, limited weight is attached to this argument.

Conclusion

19. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR