



Appeal Decision

Site visit made on 07 April 2022

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/Y5420/D/21/3283409

27 Hallam Road, London, N15 3RE

- 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 Ms Criselides Scrofani & Mr. Aleksandro Lima Soares against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/1731, dated 18 May 2021, was refused by notice dated 30 June 2021.
 - The development proposed is: Application to determine if prior approval is required for a proposed: Enlargement of a dwelling house by construction of additional storey at 27 Hallam Road, London, N15 3RE.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) 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.
3. The Council concluded that the proposal would comply with the conditions and limitations set out at paragraph AA.1 of Class AA, such that it would fall within the scope of permitted development rights, subject to consideration of relevant matters of prior approval. On the evidence before me I see no reason to take a different view. They have however, raised concerns in respect of the effect of the development upon the external appearance of the host property. My consideration of the appeal shall therefore focus on this matter.
4. Prior approval appeals should not be determined, expressly or otherwise, on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004 or as though the development plan must be applied. The principle of development is established through the grant of planning permission by the Order. 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.

Main Issue

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

Reasons

6. No. 27 is a three-storey dwelling that sits at the end of a modern L-shaped block of three storey dwellings, within a short cul-de-sac, in between two storey Victorian terraced properties at Harringay Road and Glenwood Road. Although design detail is somewhat lacking within the purpose built block, there is significant uniformity in scale, roof height, materials and fenestration which provides a sense of coherence. The roof scape of the neighbouring properties appear relatively unaltered although there are dormer extensions upon the rear of some of the dwellings. The ridgeline of the block is notably higher than that of the neighbouring terraced properties
7. The proposed additional floor would be built with a similar roof pitch, design, and materials to those of the existing building. However, notwithstanding those matters, the additional storey would appear more prominent on the skyline and would significantly disrupt the uniformity in scale of the block as a whole. It would also tower above the neighbouring terraced properties and appear at odds with the general scale of development within the surrounding area. The external appearance of the dwelling would appear visually incongruous in this context. Of itself, the dwelling would appear unduly tall in relation to its modest width and footprint. Large areas of masonry and comparatively small windows would emphasise the height.
8. It is not uncommon for end of terrace properties to be larger than the adjoining terrace, for example in a planned arrangement where the scale steps up at the end of each terrace. However, that would not be the case in this instance and the additional storey on one dwelling, without any corresponding increase elsewhere, would appear as an ad hoc and unsympathetic arrangement.
9. In fact, the appellants recognise that the proposal would see a change in the character of the host property but contend that the Council was wrong to consider the effect on the wider area and to assess the proposal in relation to local and national planning policy. They maintain that some disruption or disharmony must be expected, given that permission to extend upwards has been built into the Order and that the Council has erroneously based its decision on development plan policy.
10. In reading the delegated officer report, the analysis does weigh heavily on compliance with national and local planning policy and it is not clear if that distinction between a planning application and a prior approval application was fully appreciated. However, as noted above, development plan policies may be relevant in prior approval cases but only as evidence insofar as the policies relate to the specific matter of prior approval rather than being the sole basis of the planning judgment to be made. Thus, the fact that the Council referred to the development plan does not dictate that its judgement on whether to grant prior approval was fundamentally flawed.
11. In this case the proposal wouldn't accord with the design related aims of Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policies DM1 and DM12 of the Development Management DPD 2017. However,

whilst I have had regard to the content and aims of those policies they have not been determinative in my decision which has been based purely on the matter of whether to grant prior approval having regard to the external appearance of the dwellinghouse.

12. By introducing Class AA permitted development rights the Government clearly intended a degree of change to residential properties in certain situations. However, that right is qualified by the need to apply for prior approval for a range of matters. When assessing the external appearance of a proposal it is difficult to do so in isolation of the context of the surroundings and I find it is reasonable to take account of the design of the dwelling and neighbouring properties in making my assessment. I have no doubt that there will be situations where an upward extension would be suitable but, for the reasons set out, this is not one of them.
13. Accordingly, I conclude that prior approval should not be granted having regard to the adverse effect on the external appearance of the dwellinghouse and surrounding context and I shall dismiss the appeal.

Chris Preston

INSPECTOR