



Appeal Decisions

Site visit made on 20 May 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2022

Appeal A Ref: APP/N5090/W/21/3278695

Dale View, 33 Park Road, London EN5 5SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr George & Joseph Poullis against the decision of London Borough of Barnet.
 - The application Ref 21/1783/PNV, dated 30 March 2021, was refused by notice dated 25 May 2021.
 - The development proposed is Additional storey at third floor level to provide 2no self-contained flats.
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Appeal B Ref: APP/N5090/W/21/3278703

Dale View, 33 Park Road, London EN5 5SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr George & Joseph Poullis against the decision of London Borough of Barnet.
 - The application Ref 21/1820/PNV, dated 30 March 2021, was refused by notice dated 26 May 2021.
 - The development proposed is Additional of two storeys at third and fourth floor levels to provide 4no self-contained flats
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Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. Appeal A relates to an additional storey at third floor and Appeal B relates to an additional two storey extension, both to the property of Dale View.
3. On 1 August 2020, the GPDO was amended to introduce a new Part 20 to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permitting 'works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats.'
4. As detailed within the GPDO, development under Class A 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 not comply with, or provides insufficient information to comply with any conditions, limitations or restrictions that are applicable to such permitted development.

5. 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. The Council has raised concerns in respect of the effect of the development upon the external appearance of the building and the effect on the living conditions of the adjacent neighbours as a consequence of loss of light and overshadowing. I therefore consider these to be the main issues in both appeals.

Main Issues

6. The main issues are whether prior approval should be given, having regard to the resulting external appearance of the building and impact on the building on neighbouring premises with particular regard to overshadowing and a loss of light to the adjacent neighbouring garden.

Reasons

Appeals A & B requirement (e) the external Appearance of the building

7. The appeal property is a three-storey detached purpose-built block of modern flats located on a road that slopes west to east. The street scene is a variety of dwelling types, different designs, sizes and styles, with another purpose built block of flats located within close range to the appeal site.
8. The appellant contends that in considering the 'external appearance of the building' this should be confined solely to the building in question and not to its wider context or street-scene. They point to an appeal decision submitted to me by the appellant dating from April 2021¹. I have had regard to this decision.
9. Whether the external appearance of the building is acceptable is inherently linked to how it would be seen in relation to neighbouring buildings and the wider street-scene or landscape, as it may be. Appearance is not, therefore, a matter to be assessed in a vacuum or in isolation, particularly in this case where the appeal building is located within a street scene of limited build heights.
10. I therefore consider that it is reasonable, in the planning judgment under Conditions A.2 (e) to take account of the effect of the proposed external appearance of the building on the wider character and appearance of the area.
11. In addition, recent caselaw reinforces this approach when dealing with the creation of multiple new dwellinghouses on top of existing buildings. Irrespective of the findings of a different Inspector, I prefer this option.
12. The appeal building is seen within a wider context of buildings which, although they differ in design, style and age, the appeal site is a stand-alone purpose built block of fairly modern flats that does not look out of place in its mixed-character environment. This is especially noted as it follows some of the design characteristics of the adjacent dwelling of 31 Park Road as well as it shares some of the design characteristics of No 35. It more closely relates in terms of height to No 35 as it is also three storeys in height. Side by side, the heights broadly compare with one another.
13. In the context of the above, the proposed development to increase its height by one storey or two storeys, would appear significantly higher than the

¹ Appeal reference APP/H1840/W/21/3266807

adjacent buildings, particularly that of No 31. When seen from both directions, and the sloping nature of the land, would only seek to emphasise its height as a dominant, bulky and incongruous addition to the appeal building. Despite the use of matching materials, fenestration pattern and flat roof over, the proposed development for one additional floor, or two additional floors, would not relate to its context. It would appear prominent and visually discordant in this location.

14. For the above reasons, I find that significant harm would be caused to the external appearance of the building.

Appeals A & B requirement (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and loss of light

15. With regards to (g), it is the effect on overshadowing and loss of light to the neighbour's garden of No 31 Park Road that is in contention between the parties.
16. Dale View is currently higher than No 31 Park Road. Its rear building line extends beyond that of the adjacent neighbour. Dale View sits to the east of this dwelling and given its height and relationship with No 31, overshadowing part of their rear garden currently occurs most significantly during the morning.
17. The addition of a single storey, or another two storeys to the building, would inevitably increase the amount of overshadowing to the rear garden space, as well as for a longer period of time. The garden of No 31 is to the north of the dwelling, they therefore rely on receiving morning sun into their garden from the east.
18. Despite the findings of the submitted Daylight and Sunlight study, my own judgement leads me to the view that there would be increased overshadowing and loss of light to the neighbour's garden which is a modest size. As a consequence of both one additional storey and two additional storeys would cause a detrimental effect on the living conditions of the occupants.

Conclusion

19. For the above reasons, I conclude that the proposal is not permitted development within Schedule 2, Part 2, Class A of the Order. Appeals A and B are therefore dismissed.

Alison Scott

INSPECTOR

