



Appeal Decision

Site visit made on 22 June 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2022

Appeal Ref: APP/N5090/W/21/3284907

Bays Court, 245 Hale Lane, London HA8 9QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Article 3(1) and 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 Mr Tim Lipton of Mitmas Developments Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/3359/PNV, dated 22 June 2021, was refused by notice dated 3 August 2021.
 - The development proposed is an additional storey at third floor level to provide 4no self-contained flats and associated parking.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. There are a number of errors in the council's submissions, including the original officer report, which refer to different sites and a different class of development within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I have disregarded the errors in the council's submissions, as they are irrelevant to the appeal and they do not significantly affect the council's overall case, as set out in the decision notice.

Main Issue

3. The main issue is the effect of the proposed development on the external appearance of the building.

Reasons

4. The appeal building is a 1970s flat roofed 3 storey block of flats which steps down slightly in height from east to west across the appeal site, facing onto Hale Lane. It has small lawns to the front and parking to the rear, with a side access drive. Its immediate surroundings are characterised mainly by 2 storey detached and semi-detached houses, but there are a few nearby examples of blocks of flats which are similar or smaller in size compared to the appeal building. The character and appearance of the area is therefore residential, with a mix of modest building sizes and styles. In this context, the appeal building is experienced as a dominant block with little architectural merit.
5. The main parties have referred to a number of appeal decisions relating to applications seeking prior approval for upward extensions to blocks of flats, all

of which pre-date the High Court judgment¹ referred to by the council in their appeal documents. Notwithstanding those other appeal decisions, the High Court judgment convinces me that the impact of the mass and scale of the resulting building on the locality would be appropriate considerations when assessing the effect of the proposed development on the external appearance of the building.

6. I have also been referred to a decision by a previous Inspector² which granted planning permission for a single storey upward extension of a different design to the appeal building. I have not been provided with the full details of that scheme but based on the descriptions provided there would appear to be significant differences between that scheme and the proposed development the subject of this appeal.
7. The proposed development would add an additional floor to the appeal building, which would replicate the shape, external finishes and fenestration layout of the existing building. The increase in mass would be significant in the context of surrounding lower-scale development and this would be appreciable in views from the street and properties to the front, rear, and east along Hale Lane. Views from the west along Hale Lane would largely be prevented by thick boundary planting. In all available views the massing of the proposal would be unsympathetic to its surroundings and harmful to the appearance of the building and locality.
8. By following the shape and finishes of the existing building, the proposal would not offer any architectural improvement or interest to the appeal building. Instead, the proposed extension would emphasise the appeal building's dominance in the street scene and in views from properties to the rear. Although the existing building is already somewhat incongruous in its surroundings on account of its flat roofed, bulky design, the overall design and massing of the proposed development would amplify the building's presence to the detriment of the character and appearance of the locality.
9. The proposal would therefore cause harm to the appearance of the building, which could not be mitigated through the use of a condition requiring the approval of details of external materials. The ability to construct the proposal without relying on intensive structural steelwork does not outweigh that harm, which would be significant and long-lasting.

Conclusion

10. For the reasons given above I consider the proposal would have an unacceptable harmful effect on the external appearance of the building. I therefore conclude that the appeal should be dismissed.

L Douglas

INSPECTOR

¹ *CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC* [2022] EWHC208 (Admin)

² APP/N5090/W/20/3248013