



Appeal Decision

Site visit made on 27 October 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 NOVEMBER 2022

Appeal Ref: APP/E5330/D/22/3290532

32 Barney Close, London SE7 8SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order).
 - The appeal is made by Mr Shamsul Hoque against the decision of Royal Borough of Greenwich.
 - The application Ref 21/3717/PN4, dated 18 October 2021, was refused by notice dated 13 December 2021.
 - The development proposed is the construction of one additional storey immediately above the topmost storey of the dwellinghouse.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the construction of one additional storey immediately above the topmost storey of the dwellinghouse at 32 Barney Close, London SE7 8SS in accordance with the application 21/3717/PN4 made on 18 October 2021, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class AA, and subject to the conditions in paragraph AA.2.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), permits development consisting of the enlargement of a dwellinghouse by construction of up to two additional storeys, where the existing dwellinghouse comprises two or more storeys.
3. As detailed within the Order, 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 not comply with the limitations or restrictions that are applicable to such permitted development.
4. The provisions of the Order 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 host property. I therefore consider this to be the main issue in the appeal.

Main Issue

5. The main issue is whether prior approval should be given, having particular regard to the resulting external appearance of the dwellinghouse.

Reasons

6. The appeal property is a two storey dwellinghouse. It is the end property of a terrace of seven properties. It is located within a wider development that makes up Barney Close which comprises two and three storey buildings that are, in places, adjacent or joined together. This gives the surrounding area a character and appearance that is varied in scale and height.
7. The Council have rightly identified, and the Courts have held that, when considering the '*external appearance of the dwellinghouse*' this need not be solely confined to the building in question and may include its wider context or how it relates to the street-scene. Appearance is not a matter to be assessed in a vacuum or in isolation, particularly in this case where the appeal building is located within a terrace of closely related properties. It is therefore reasonable, in the planning judgment under paragraph AA.2(3)(A)(ii), to take account of the effect of the proposed external appearance of the dwellinghouse on the wider character and appearance of the area.
8. The proposed development is to erect an additional floor on top of an existing two storey end of terrace building. The appeal building is seen within a wider terrace of dwellings where, amongst these seven properties, there is a consistency and rhythm in terms of height. In this context, the proposed development would appear somewhat jarring with the remainder of the terrace.
9. In the wider context of Barney Close however, it would reflect the several examples where three storey buildings sit immediately adjacent, or adjoin, two storey buildings. In this context, it would not appear excessive in scale or height, and it would not appear as an incongruous feature on the dwellinghouse or within the surrounding area.
10. When taken with the extant consent¹ to add an additional storey to the adjoining property, 30 Barney Close, in an almost identical manner to the appeal proposal, to which I have afforded more than moderate weight, I do not consider that the proposed development would have an unacceptable impact on the external appearance of the dwellinghouse.
11. The proposed development therefore meets the necessary requirements of the Order.

Conditions

12. It is not necessary to impose planning conditions requiring the development to be carried out within three years of the date of the consent; to be carried out in accordance with the approved plans; or to require the use of materials to match, as these are standard conditions imposed by paragraph AA.2 of Class AA of the Order.

¹ Application Ref 21/2103/PN4

Conclusion

13. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR