

Appeal Decision

Site visit made on 10 January 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2023

Appeal Ref: APP/N5090/D/22/3303732

41a Ranelagh Drive, Edgware HA8 8HN

- 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 appeal is made by Miss A Shah against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/2110/PNU, dated 13 April 2022, was refused by notice dated 15 June 2022.
 - The development proposed is additional storey at first floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), permits, subject to limitations and conditions, development consisting of the enlargement of a dwellinghouse by construction of one additional storey, where the existing dwellinghouse consists of one storey, together with any reasonably necessary engineering operations.
3. The GPDO sets out in paragraph AA.3(12)(b) that the National Planning Policy Framework (the Framework) must be considered in this type of prior approval case insofar as it is relevant to the subject matter of the prior approval, as if the application were a planning application.
4. The relevant provisions of the GPDO do not require regard to be had to the development plan. Accordingly, I have only considered the policies and guidance cited in the decision notice insofar as they are a material consideration relevant to matters relating to the main issues. They are not, in themselves, determinative.

Main Issues

5. The main issues are the effects of the additional storey on the amenity of adjoining premises and the external appearance of the dwellinghouse and character and appearance of the area.

Reasons

Amenity

6. The appeal site is in a backland location to the rear of numerous properties which front both Ranelagh Drive and Ashcombe Gardens. The proposed additional storey would include large windows which would serve bedrooms, with the west elevation facing the rear of No's 39 and 41 Ranelagh Drive and the east towards No's 12 and 14 Ashcombe Drive.
7. While there are trees lining the boundary between the appeal site and No's 39 and 41, I observed on the site visit that their height falls some way below the that of the proposal. As such, despite the pre-existing condition attached to the planning permission for the host dwelling itself, the addition of the large bedroom window at first floor level to this side would introduce significant overlooking of the gardens and rear elevations of No's 39 and 41. This would detrimentally harm the enjoyment of these spaces for the occupiers, harming the amenity of these adjoining premises in the process.
8. To the other side, there is a tall, mature line of trees between the appeal site and No's 12 and 14 which would screen the rear elevations and gardens of those properties. In combination with a slightly higher land level, from my observations there would be no overlooking or loss of privacy experienced by occupiers of No's 12 and 14 and therefore no harm to the amenity of these properties.
9. While the structure would be visible from the rear gardens and windows of No's 39 and 41, these would face the narrow side of the extension and views to other directions would remain open. Notwithstanding my findings with regards to overlooking, the proposal would not be overbearing when viewed from these positions. Given my findings with regards to No's 12 and 14 and the position of the tall hedge, it follows that the extension would also not appear dominant from these properties either.
10. The appellant advises many other properties nearby have been extended, which has created opportunities for overlooking. These include No's 23, 31, 39 and 41 Ranelagh Drive, the latter of which I observed on the site visit. However, I have no information on these, such as whether planning permission was granted, or they were undertaken using permitted development rights. In any event, I can only assess the proposal before me on its own merits.
11. Overall, the increased overlooking and ensuing loss of privacy to No's 39 and 41 Ranelagh Drive would cause significant adverse effects on the amenity of these adjoining premises. In this regard, the proposal would conflict with the Framework which requires at paragraph 130 a high standard of amenity for existing and future users.
12. Although not determinative, the proposal would also be contrary to Policies CS5 of the CS¹, DM01 of the DMP² and D3 of the LP³ which seek to ensure development proposals are designed to allow for adequate privacy and outlook for adjoining and potential occupiers and users, among other things.

¹ Barnet's Local Plan (Core Strategy) Development Plan Document (adopted September 2012)

² Barnet's Local Plan (Development Management Policies) Development Plan Document (adopted September 2012)

³ The London Plan (adopted March 2021)

Character and Appearance

13. The host property is a single storey detached dwelling with a flat roof located in a 'backland' location. It has a somewhat modular design with an asymmetrical form and an existing structure at first floor level in the middle of the roof. The local area is residential in character and is predominantly comprised of traditional brick and render facing detached and semi-detached dwellings which front Ashcombe Gardens and Ranelagh Drive.
14. The additional storey would not cover a large section of the roof and given the design of the property, the proposed box form with matching flat roof would be in keeping with the host building. Moreover, the property already differs from others in the area, and is not visible from either of the adjacent street roads due to its low profile. Therefore, the roof extension would not be harmful to the external appearance of the appeal property or the character of the area.
15. This would accord with paragraph 130 of the Framework, which seeks to ensure development is sympathetic to local character. The proposal would also accord with Policies CS5 of the CS, DM01 of the DMP and D3 of the LP, which seek to ensure all development should represent high quality design.

Other Matters

16. My attention is drawn to two planning applications⁴ which the appellant argues do not reflect the character of the area but were approved regardless. I have very little information on these before me other than their references and a brief description. However, these appear to be much larger developments than the proposal before me which would have had vastly different considerations when assessed by the Council. They also appear to be full planning applications rather than prior approvals, the latter of which have set limitations and conditions in the GPDO. In any event, I have not found harm with regards to the character of the area.
17. Paragraph AA.2(2)(a) is a condition requiring the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The Elevations as Proposed plan (Drawing No. mp.24) confirms that vertical timber cladding would be used on the roof extension set against the predominant brick construction of the host building. As I am dismissing the appeal on other matters, and the proposal would not be granted permission in this case, it was not necessary to consider these conditions.

Conclusion

18. For the reasons given above, I consider the proposal would have an unacceptable harmful effect on the amenity of adjoining premises with regards to overlooking and a loss of privacy. I therefore conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

⁴ 21/2384/FUL & 18/2839/FUL