



Appeal Decision

Site visit made on 24 March 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th May 2023

Appeal Ref: APP/N5090/W/22/3306108

Flat 1, The Spinney, 22 Hendon Wood Lane, Barnet Gate, London NW7 4HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Class AC of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) 2015 Order (as amended).
- The appeal is made by Mr G Fitzgerald against the decision of the Council of the London Borough of Barnet.
- The application Ref 22/1423/PNV, dated 17 March 2022, was refused by notice dated 16 May 2022.
- The development proposed is the proposed creation of 1no Apartment above an existing terrace residential bungalow.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site visit was arranged as an 'access required site visit'. However, neither the appellant nor their agent was present when I arrived at the site during the pre-arranged period. Nevertheless, I was able to carry out an unaccompanied site visit as I was able to see all I needed from public land. The parties were subsequently informed of this.

Main Issue

3. Whether prior approval under Class AC of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) 2015 Order (as amended) (the GPDO), should be granted having regard to the external appearance of the dwellinghouse.

Reasons

4. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AC permits upwards extensions to a terrace building in use as dwellinghouses provided it meets specific criteria.
5. It is clear from the Council's Delegated Planning Decision Report that the proposal passes all the criteria set out in paragraph AC.1 and that all information required by paragraph AC.2 was provided. However, this does not negate the requirement to address the conditions placed on development permitted under Class AC, including the need to assess the effect of the development's external appearance.
6. The conditions attached to Class AC state that the developer must apply for the prior approval of the external appearance of the dwellinghouse, among other

matters. Recent case law¹ has confirmed that the control of the external appearance of the dwellinghouse in this type of appeal is not limited to the impact of the proposal on the subject property itself, but also includes its impact on neighbouring premises and the locality.

7. The appeal property is contained within a block of single storey flat roofed dwellings assembled approximately in a terraced arrangement. The buildings, of which the appeal site forms part, appear to be an amalgamation of sectional buildings which have a rudimentary appearance more akin to a site compound than the more traditionally residential setting elsewhere along Hendon Wood Lane, which is characterised by large, detached dwellings, generally traditional in appearance and of substantial construction with pitched roofs.
8. The appeal site is located towards the end of the Lane where its character changes beyond 'The Ridge' to one of a more rural and verdant feel. The existing building development on the site sits behind a fence and is largely concealed by mature vegetation along the highway frontage.
9. The appeal property is in the Green Belt. However, permitted development rights are not restricted by the GPDO in this respect. Furthermore, there is no requirement to subject any development proposed under these terms to the tests of openness.
10. The proposed materials and roof covering would correspond with the host dwelling. The fenestration pattern would also broadly align with the existing fenestration beneath. Whilst overall, the architectural detailing would match that of the existing dwelling, the additional storey would significantly add to the height of the building. By adding another level to the dwellinghouse it would appear significantly out of character with the majority of dwellings on the Lane.
11. Moreover, the proposal would be a bulky and localised addition which appear as a piecemeal addition would unbalance the composition of the terrace itself. The front and side elevations would be highly visible from the public realm. Furthermore, the proposed additional storey would serve to further exacerbate the site's ramshackle appearance.
12. It would rise above both the flat roof of the remainder of the building and that of others on the site. The fact that the appeal dwelling is of a different style and design to those elsewhere on the Lane would only serve to highlight how incongruous it would look within the street context. Therefore, the proposal would be harmful to the external appearance of the dwelling, and to the street scene as a consequence.
13. Thus, the proposal would conflict with paragraphs 126 and 130 of the National Planning Policy Framework (the Framework) as it would not be visually attractive, represent good architecture, be sympathetic to local character nor would it create the high quality, beautiful buildings or places that the Framework identifies as being fundamental to what the planning and development process should achieve.
14. Consequently, I consider that the external appearance of the dwelling would be unacceptable, and the proposal would be contrary to the requirements of paragraph AC.2(3)(a)(ii).

¹ CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

Conclusion

15. For the reasons set out above, I conclude that prior approval should not be granted and, therefore, that the appeal should be dismissed.

KL Robbie

INSPECTOR