



Appeal Decision

Site visit made on 18 July 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2023

Appeal Ref: APP/N1920/D/22/3307900

26 Craigweil Avenue, Radlett, Hertfordshire WD7 7EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 Mr Christophe Pasquette against the decision of Hertsmere Borough Council.
 - The application Ref: 22/1173/PD56AD, dated 2 July 2022, was refused by notice dated 24 August 2022.
 - The development proposed is the addition of a first-floor extension to the principal part of the dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Class AA of Part 1 in Schedule 2 of the Order establishes that the enlargement of a dwellinghouse by the construction of additional storeys is permitted development. This provision is subject to several conditions, limitations, and restrictions. Amongst other things, these require the materials used in any exterior work to be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Furthermore, an application for prior approval must be made as to the external appearance of the dwellinghouse.
3. In prior approval cases, there is no requirement to consider the development plan as there would be for a development requiring planning permission.

Main Issue

4. The main issues relevant to this appeal are:
 - whether the proposal would represent permitted development given the presence of side elevation windows: and
 - the effect of the proposed development upon the external appearance of the building.

Reasons

Whether permitted development

5. The appellant's dwelling consists of an existing bungalow located in a residential area. The orientation of the appeal site is such, that the dwelling fronts the highway. Given the presence of the dwelling's main entrance on this

elevation and its prominence, I conclude that this is the front elevation. Therefore, the walls that run from the front elevation are side elevations.

6. The General Permitted Development Order identifies various criteria that a proposed development must conform to in order to proceed by this process. It is therefore a requirement that a development comply with all of the criteria listed. The evidence before me indicates that the proposed development conforms with several of these criteria, however, there is some debate regarding the fenestration arrangement of the proposed development.
7. The proposed development includes two first floor windows, at first floor level. given that these would be located on the side of the dwelling, the proposal would conflict with the provisions of the General Permitted Development Order. In light of this, the development cannot be considered to meet all of the qualifying criteria as prescribed in Class AA of the Order.
8. In result, the development cannot be permitted development. This means that permission cannot be granted for this through the Prior Notification process.
9. I acknowledge that the appellant intends to install either non-opening or obscured glazed glass to these windows. Such measures may serve to ensure that the development may not impinge upon the living conditions of neighbouring occupiers; or, in the event of an effect, reduce its level. However, the General Permitted Development Order is clear that any side elevation window, irrespective of the site and type, renders the scheme unacceptable through this process.
10. Therefore, notwithstanding the type of glazing that would be installed at the appeal property, the appellant suggestion does not overcome my before mentioned findings.
11. I therefore conclude that, owing to the presence of side windows, the proposed extension would not represent permitted development.

External appearance of the building

12. The appeal site consists of an existing bungalow. The appeal site is located near to the junction of Craigweil Avenue and Newberries Avenue. Although there are several houses nearby, there are a notable number of bungalows near to this junction. This gives the area a more open, suburban character. The appeal site is also near to a path that runs close to the side boundary of the appeal site.
13. The proposed development would result in the creation of a two-storey dwelling. This would therefore result in the erosion of the surrounding area's more open character by reason of the increased mass of the development.
14. Although the proposed development is set back from the boundaries of the appeal site, the degree of this is relatively small. Therefore, the overall increase in the level of built form would be readily apparent. This would mean that the increase in height and mass of the dwelling would not be mitigated by reason of the siting of the development.
15. By reason of the proximity of the appeal site to the junction of Craigweil Avenue and Newberries Avenue, the proposed development would result in an erosion of the open character of the surrounding area. This is because the

- proposed development would conflict with the style and proportions of a notable proportion of the buildings in the surrounding area. This would render the development incongruous. This would be particularly the case given that the dwelling would be significantly wider than many other buildings nearby.
16. This poses a concern given the general prominence of the appeal site. In addition to views from neighbouring properties, the proposed development would be visible for significant proportions of the length of Craigweil Avenue. This is caused by a combination of the height of the proposed development and the topography of the locality.
 17. In addition, the proposed development would be readily viewable from the path that runs near to the site boundaries of the appeal site. Therefore, the proposed development would be a prominent addition to the locality and would be potentially experienced by a significant number of people. This would render the proposed development a strident addition to the locality.
 18. In reaching this view, I have had regard to the presence of houses in the wider area. Although the proposed development might have similar proportions to these, the presence of houses near to the junction of Craigweil Avenue and Newberries Avenue are limited in number. This would mean that the appeal scheme would have a greater effect on the character of the area than the existing buildings. In consequence, the presence of buildings elsewhere does not allow me to disregard my previous concerns.
 19. My attention has been drawn to a development at 28 Newberries Avenue. I do not have the full information regarding the planning circumstances of this before me, which means that I can only give it a limited amount of weight. Nonetheless, this building has different immediate surroundings in that it does not have a path to the side. In result, the existing development does not have the same effects that the proposed development would have. In result, it does not allow me to disregard my previous concerns.
 20. The development, in this regard, would conflict with the requirements of Policy CS22 of the Hertsmere Core Strategy (2023); and Policies HD3 and HD7 of the Radlett Neighbourhood Plan (2021). Amongst other matters, these require that new developments be of a high quality design; respond positively to local townscape; and protect or enhance the contribution of bungalows to character.
 21. Therefore, I conclude that the proposed development would have an adverse effect upon the external appearance of the building. In consequence, the proposed development would be unacceptable.

Other Matters

22. The proposed development would result in improvements to the dwelling's internals. Although a matter of note, this does not outweigh my findings in respect of the main issues.

Conclusion

23. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR