



Appeal Decision

Site visit made on 3 October 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

Appeal Ref: APP/N5090/W/23/3318749

1-6 Temple Close, Finchley, Barnet, London N3 3SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Temple Close Freehold Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/5083/PNV, dated 13 October 2022, was refused by notice dated 23 December 2022.
 - The development proposed is the erection of a two-storey roof extension to existing building to provide three self-contained units comprising of 2 x 2 bed and 1 x 3 bed units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made pursuant to Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Class A permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, as well as certain associated works.
3. This right is subject to limitations which are specified at paragraph A.1, and conditions which are set out at paragraph A.2. The conditions establish a requirement for developers to apply to the local planning authority for a determination as to whether prior approval will be required in relation to a number of specified prior approval matters.
4. In refusing the application, the Council cited Policy D3 of the London Plan 2021, Policies CS1 and CS5 of the Barnet Core Strategy 2012 (CS) and Policy DM01 of the Barnet Local Plan Development Management Policies 2012 (DMP). However, the principle of the development is established by the GPDO. The prior approval provisions do not require regard to be had to the development plan, and I have therefore only had regard to it insofar as it is material to the matters for which prior approval is sought.

Main Issue

5. The main issue is whether or not prior approval should be granted having regard to the external appearance of the building and surrounding area.

Reasons

6. The appeal site is a 3-storey purpose-built block of residential flats. The building has a functional appearance that is a flat fronted, brick and render building with a shallow dual pitched roof. The building sits within a generous plot close to the junction of Cyprus Road and Bibsworth Road. The appeal site together with a further three blocks of similarly designed flats comprise a small building group. The appeal site has a prominent road frontage location, whereas the other buildings in Temple Close are set behind existing properties.
7. The surrounding area is predominantly residential, with a mix of 2 and 3 storey buildings. The area is pleasant with lots of green spaces, trees, and landscaped gardens. Cyprus Road slopes down towards Regents Park Road, which is a busy distributor road, with a mix of commercial and residential uses present. There is a degree of architectural variety within the surrounding area.
8. The proposed development would extend the existing building in an upwards direction, with the addition of two further storeys. The top floor would be set in from the edge of the building to reduce some of its bulk, scale, and massing. However, it would still result in a jarring and discordant change in height which would be at odds with the appearance of neighbouring dwellings and the immediate surroundings. Furthermore, the additional storeys would result in a bulky, imposing development in this prominent location.
9. The proposed development would in part replicate the external appearance of the existing block with matching external materials and glazing used in the fourth storey. The top floor would be set in from the edge of the building and use contrasting materials with a different glazing style. Whilst the materials proposed to be used would be sympathetic to the existing building, this would not be sufficient to offset the greater height of the building and its incongruous scale in this setting.
10. My attention has been drawn to the existence of taller buildings in the area, in particular, Embassy Lodge on Regents Park Road which is a 7-storey building and further examples situated on Hendon Lane. However, where I observed these taller buildings, they are typically located on wide roads, and in such locations where the presence of such tall buildings can be accommodated without an overbearing presence. The appeal site by contrast, sits within an area where properties are of a much lower overall height profile, reflecting the mix of semi-detached dwellings and purpose-built flats in what is a quieter residential area. In the context of the appeal site, the addition of a further two storeys would by virtue of its height, scale and bulk be harmful to the character and appearance of the area.
11. For these reasons, the proposed development would not be consistent with the prevailing height and form of the specific street scene and would be unduly harmful to the character and appearance of the area and appeal property, so would fail to comply with Condition A.2.(1)(e) of Part 20, Class A of the GPDO.
12. In so far as it is material to my considerations, the proposal would conflict with Policy D3 of the London Plan, Policies CS1 and CS5 of the CS, Policy DM01 of the DMP. These policies require, amongst other things, high quality design in all development that respects local context and distinctive local character and the surrounding area in terms of height, scale, and massing. This further supports my conclusion that the external appearance of the proposed

development on the character and appearance of the area and the appeal property would not be acceptable. Furthermore, I find that the proposal would be contrary to the National Planning Policy Framework (the Framework), where it seeks to achieve well-designed places.

Other Matters

13. The appellant submitted the proposal following pre-application advice. The Framework highlights the benefits of early engagement and of good quality pre-application discussion. Nevertheless, I need to consider the proposal on its own individual merits.
14. I have had regard to the extant planning permission¹ for Nos. 7 to 18 Temple Close in so far that it is a material consideration to the scheme. The appellant argues that the approval of an upwards extension of these buildings weighs in favour of the upwards extension proposed at the appeal site. However, the existing buildings, Nos. 7 – 18 are lower in height than the appeal site and even if extended these extensions would not be unduly prominent within the street scene, nor result in an unacceptable degree of harm to the character and appearance of the area. In any case, I need to consider the proposal on its own individual merits.
15. I have also had regard to the recent grant of prior approval² at the appeal site, which has permitted an upwards extension of one storey, providing an additional flat. This extension would be set in from the building edge on all sides and finished in zinc cladding. However, whilst this scheme for one storey has been approved, I have found that the addition of two storeys to this building would result in prominent and incongruous form of development that would cause unacceptable harm to the character and appearance of the area.
16. I acknowledge that the Council raised no concerns in respect of the design of the development and the impact on the existing building, the impact on living conditions of the occupiers of neighbouring properties and highways and parking. Whilst I see no reason to disagree with these conclusions, these are neutral factors which neither weigh for or against the proposal.
17. I also recognise that the proposed development would make efficient use of the site and would boost the supply of new homes in the area. Nevertheless, I have found the proposal would result in unacceptable harm to the character and appearance of the area, which would not be outweighed by these benefits.

Conclusion

18. For the above reasons, and taking account of all other matters raised, I conclude that the appeal is dismissed.

K Lancaster

INSPECTOR

¹ Planning Application Ref: 20/5207/FUL

² Planning Application Ref: 23/1446/PNV