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# Appeal Decision

Site visit made on 22 February 2024

**by J Symmons BSc (Hons) CEng MICE**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 April 2024**

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**Appeal Ref: APP/N5090/D/23/3330761**

**Heatherlea, Latimer Road, New Barnet, Barnet EN5 5NU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1), Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) 2015 Order (as amended).
  - The appeal is made by J Reale against the decision of the Council of the London Borough of Barnet.
  - The application Ref is 23/2231/PNU.
  - The development proposed is an additional storey at first floor level.
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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) (GPDO) for an additional storey at first floor level at Heatherlea, Latimer Road, New Barnet, Barnet EN5 5NU in accordance with the terms of the application Ref 23/2231/PNU, dated 19 May 2023, and the plans submitted with it, subject to the conditions set out in sub-paragraphs AA.2(2) and AA.2(3) of the GPDO.

## Preliminary Matters

2. For conciseness I have used the description of development from the decision notice and the appeal statement.
3. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised Framework, the issues most relevant to this appeal remain unaffected by the revisions. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and this would disadvantage no party. For correctness, I have used the 2023 Framework paragraph references.

## Background and Main Issue

4. Under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO, planning permission is granted for the enlargement of a dwellinghouse by construction of additional storeys, subject to limitations and conditions.
5. In the conclusion of the Council's Delegated Report (Section 9), reference is made to the proposal being harmful to the amenity of immediate neighbours and to the character and appearance of the host property and surrounding area. However, in the report's assessment of these matters (Section 7) and the Decision Notice, the proposal was found not to be unacceptably harmful to the

amenity of immediate neighbours. Having reviewed the report's assessment of the effect of the proposal on the amenity to immediate neighbours, including the third-party representations made, I see no reason to question the Council's finding on this matter.

6. The Council has not argued that the proposal fails to comply with any other conditions, limitations or restrictions under Class AA, and I have no compelling reasons to find otherwise.
7. Consequently, the main issue in this appeal is whether prior approval should be granted under Class AA of Part 1 of Schedule 2 of the GPDO, having particular regard to the effect of the proposal on the external appearance of the host property and surrounding area and the adjacent Monken Hadley Conservation Area.

### **Reasons**

8. Latimer Road is a cul-de-sac with a mix of detached and semi-detached two-storey and bungalow-style properties. The properties along the cul-de-sac have a range of forward projections, various frontage treatments, and a mix of architectural styles and scales.
9. The appeal property is detached with a pitched roof and a small section of flat roof. The property is large and sits in a spacious plot which gives it good separation from neighbouring properties. The appeal property appears as a bungalow from the front and, due to a drop in the ground level, two storeys at the rear. The rear of the property has a large garden which is largely screened from views by high fencing and planting. To the front, the property sits slightly lower than the road and has a large driveway with some landscaping and a large mature tree. The frontage is open to views from the road with boundaries being typically a mix of walling and hedging.
10. The proposal would add a new storey over the existing pitched roof section of the property. It would be built with matching materials to the host property and would increase the building's height, including its roof ridge, by approximately 1.25 metres.
11. The new storey would be a modest addition which would have fenestrations and a roof profile and pitch which would largely match the host property. Taking this in conjunction with its use of matching materials, the new storey would not appear as a disproportionately large or dominant addition to the scale and size of the plot or host property.
12. It would, with its large set back from the road, its lower positioning and the good separation that exists to neighbouring properties, not appear excessively higher or out of character with the neighbouring adjacent bungalows, the opposite and higher-positioned properties or the wider varied property character of the area.
13. Furthermore, taken in the context of the existing building lines, landscaping and the appeal property's set back, irrespective of the road's gradient, the proposal would not be highly visible in the longer views along the road.
14. The site lies next to but outside Monken Hadley Conservation Area (the CA). Paragraph 206 of the Framework requires new development within the setting of CAs to enhance or better reveal its significance. The Framework defines the

setting of a heritage asset as “*the surroundings in which a heritage asset is experienced*”.

15. The CA’s Character Appraisal Statement 2007 (CAS) identifies Monken Hadley as stemming from a long association with a predominantly rural society. It notes that the built form adjacent to the CA boundary is the beginning of a more suburban type of development. While the CAS does not identify Latimer Road with any particular significance, with its mix of architectural styles, spacious plots and high quality designs and landscaping, the road has a diverse and attractive street scene.
16. For the reasons previously identified, the proposal would be of a modest scale and nature. With the host property’s reasonably discreet positioning in the street scene, the new storey would not disrupt the present harmony or spaciousness that is characteristic of the area. It would preserve the setting of the CA.
17. Insofar as it is a material consideration, the proposal would accord with Policies CS1 and CS5 of Barnet’s Local Plan (Core Strategy) Development Plan Document (CS), 2012, which seeks, amongst other matters, high standards of design which respects local character. Furthermore, it would also accord with Policies DM01 and DM06 of Barnet’s Local Plan (Development Management Policies) Development Plan Document (DMP), 2012, which, amongst other matters, requires development to respect the appearance, scale, mass, height and pattern of surrounding buildings and preserve or enhance the character and appearance of CAs. For the same reasons, it would accord with Barnet’s Local Plan Supplementary Planning Document: Residential Design Guidance (SPD), 2016. There would also be no conflict with Paragraphs 135 and 139 of the Framework, which seeks well-designed development that reflects local design policies and government guidance, adds quality to the area and is visually attractive and sympathetic to local character.
18. Consequently, the appearance of the proposal would be acceptable and it would accord with the requirements of paragraphs AA.2. of Class AA.

### **Other Matters**

19. Interested parties have raised further concerns regarding the proposal’s effects on neighbouring occupants’ living conditions, including outlook, overbearing, loss of light and overshadowing. However, little detailed evidence has been provided to support these concerns. The Council did consider impacts on neighbouring occupier’s living conditions and found that there would be no substantial additional harm. Given the good property front and side separation and limited increase in height, the proposal would not unacceptably harm neighbouring occupants’ outlook or appear overbearing when viewed from the neighbouring windows or gardens. Furthermore, even though a daylight and sunlight assessment has not been provided, the front and side separation and limited height increase of the proposal would prevent the proposal from causing unacceptable loss of light or overshadowing the neighbouring properties.
20. Representations have also been made that the proposal would increase noise and disturbance, increase traffic, and adversely affect parking and access for emergency services and rubbish collection. However, the appeal property is a large family house and, while the proposal would add additional

accommodation, there is little evidence to suggest that it would not be occupied by a family. Accordingly, there would be no significant increase in traffic or noise and disturbance above that which would be expected from a family use. A large front driveway exists at the appeal site, and this provides a good level of off-street parking. No compelling evidence is presented to show that this would not be adequate and parking on the road would be required. On this basis, there is little reason for the access along the road to be significantly affected by the proposal.

21. It is further asserted that in the future the appeal site could be changed to multiple occupancy dwellings such as flats. However, I must consider the scheme that is before me. In any event, if such a change was proposed then this would be subject to a separate planning consideration by the Council.
22. Concern has been raised by interested parties regarding the proposal's effects on the structural integrity of the existing foundations and the potential adverse effect this may have on the neighbouring property. However, this is not a planning matter and I would expect this to be appropriately considered through the building control application, detailed design and construction stages.

### **Conditions**

23. Prior approval under class AA is subject to conditions specified in paragraphs AA.2.(2) and AA.2.(3). The Council has suggested standard conditions for plan referencing, timescale to complete and matching material use. However, these duplicate the conditions which are automatically applied to prior approvals. As such it is not necessary to attach these as separate conditions.
24. The Trees, Ecology and Sustainability Development Management and Building Control Service indicates no objection to the proposal but suggests a standard landscape replacement condition be included due to some construction pressures to the boundary shrubs and the front tree. However, the Council has not suggested this condition should be applied. As the proposal does not include any removal of landscaping or trees I have not included it.

### **Conclusion**

25. For the above reasons, the appeal should be allowed, and prior approval is granted.

*J Symmons*

INSPECTOR