



Appeal Decision

Site visit made on 29 May 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2024

Appeal Ref: APP/W5780/D/24/3340367

19 Lexden Drive, Chadwell Heath, Romford, Redbridge RM6 4TJ

- 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) and Schedule 2, Part 1, Class AA, of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended).
 - The appeal is made by Mr R Virk against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 0038/24.
 - The development proposed is an upward extension of an additional single storey, maximum height of 3.2 metres.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the description of the development as stated on the Council's notice of decision, as it most accurately describes the proposal and removes superfluous information.
3. 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 GPDO), planning permission is granted for the enlargement of a dwellinghouse consisting of the construction of one additional storey subject to limitations and conditions.
4. Paragraph AA.2.(3)(a) of Class AA, Part 1, Schedule 2 of the GPDO, requires that before beginning the development, the developer must apply to the Council for prior approval in relation to certain matters. In this case the Council considered that the proposal met the limitations and restrictions of Class AA and its reason for refusal relates only to paragraph AA.2.(3)(a)(ii), regarding the prior approval matter of the external appearance of the dwellinghouse. Based on the evidence before me, I am also satisfied that the proposal would not fall outside any of the limitations and restrictions in paragraphs AA.1.(a) to (k) of Class AA, or result in adverse impacts in respect of the other prior approval matters. I have therefore confined my reasoning to the prior approval matter of external appearance.
5. The GPDO requires that when determining an application under Class AA, regard should be had to the National Planning Policy Framework (the Framework) as far as relevant to the subject matter of the prior approval. It was also held in *CAB Housing Ltd v SSLUHC & Broxbourne BC* (2023) that external appearance is not limited to the effect on the dwellinghouse and can

include the effect on adjoining and nearby properties. The appeal proposal will be determined on this basis.

Main Issue

6. The main issue is the effect of the proposal on the external appearance of the dwellinghouse and the area.

Reasons

7. The appeal site contains a two-storey property on one end of a terrace of three properties. It is located amongst other street frontage residential development comprising of mainly terraced and semi-detached properties, which are mostly two-storeys high, which gives a strong uniformity to the scale of properties in this immediate area.
8. The proposed additional storey of accommodation would significantly add to the height of the appeal property, which would make it particularly conspicuous and different to the uniformity of properties in the immediate area. Its increased height would also be out of scale with the host property and that of the terrace it is part of, adding a wholly discordant feature that would harm the appearance of the property and the symmetry of the terrace. This harm is compounded by its poorly designed front elevation, which would feature a small set back from its front elevation, and because it would have no windows at second floor level. As a result, the proposal would appear top heavy, and jar with the appearance of the property's existing front elevation and other properties in the area. Whilst it may have been designed in this way to try and appear subservient, I am not convinced it is necessary in this case of an upward extension.
9. The appellant has also stated that windows at second floor level have been removed and replaced with rooflights for privacy reasons. Based on my site observations, it would not be necessary to remove windows on the front elevation of the property at second floor level for privacy reasons as it faces onto Lexden Drive.
10. I note that No's 44 and 46 Lexden Drive are both end terraced properties that have both had an additional storey added to them, making them 3 storeys high. These properties adjoin one another at the end of different terraces, they are also on the opposite side of the road to the appeal site and some distance away from it. In both cases the upward extensions have been designed to replicate the form, shape and fenestration of the host properties and their upward extensions are not setback from their front elevations. I recognise that there are some similarities between them and the appeal proposal in this case, however the appeal scheme before me is significantly different to those examples, and the existence of them has not persuaded me differently regarding the identified harm from the appeal scheme. I also observed the three-storey apartment building on the corner of Langham Drive and Lexden Drive, which occupies a much different corner location than the appeal site, I did not find it to be comparable to the appeal proposal and it did not lead me to conclude differently.
11. To conclude on this main issue, the proposal would harm the external appearance of the dwellinghouse and the area, and it would conflict with paragraph AA.2. (3)(a)(ii) of Class AA of the GPDO. In addition, the proposal

would conflict with paragraph 135 of the Framework, that amongst other things requires development to function well and add to the overall quality of the area and be sympathetic to the local character.

12. Although not determinative, the proposal would also be contrary to Policies LP26 and LP30 of the Redbridge Local Plan 2015 – 2030 (adopted March 2018) and Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021, which amongst other things, collectively seek to ensure high quality design that complements the character of buildings and enhances the local context.

Other Matters

13. The appellant has stated that the proposal would provide much needed family accommodation. Be that as it may, it is not a consideration on this prior approval application, in accordance with the requirements of the GPDO.

Conclusion

14. For the reasons given above, the proposal would have an unacceptable harmful effect on the external appearance of the dwellinghouse and the area. I therefore conclude that prior approval should be refused, and the appeal be dismissed.

A Hunter

INSPECTOR