



Appeal Decision

Site Visit made on 18 May 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2021

Appeal Ref: APP/X1735/D/21/3269472 76 London Road, Cowplain, Waterlooville PO8 8EW

- 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 Matthew Barnes against the decision of Havant Borough Council.
 - The application Ref APP/20/00867, dated 7 October 2020, was refused by notice dated 3 December 2020.
 - The development proposed is Prior Approval for the enlargement of a dwellinghouse consisting of the construction of an additional storey.
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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) for 'Prior Approval for the enlargement of a dwellinghouse consisting of the construction of an additional storey' at 76 London Road, Cowplain, Waterlooville PO8 8EW, in accordance with the application Ref APP/20/00867 and the detailed submitted with it, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A102, A201.
 - 3) The materials used in any exterior work shall match those used in the construction of the exterior of the existing dwellinghouse.
 - 4) Before beginning the development, the developer must provide the Local Planning Authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated. The development shall be carried out in accordance with the submitted details.
 - 5) The developer shall notify the local planning authority of the completion of the development, in writing, as soon as reasonably practicable after completion including the name of the developer, the address of the dwellinghouse and the date of completion.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), permits development consisting of the enlargement of a dwellinghouse by construction of up to two additional storeys, where the existing dwellinghouse comprises two or more storeys.
3. As detailed within the GPDO¹, development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for prior approval. The Local Planning Authority may refuse the application where it considers that the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.
4. The provisions of the GPDO require the Local Planning Authority to assess the development proposed solely on the basis of a limited number of considerations. The Council has raised concerns in respect of the effect of the development upon the external appearance of the host property. My consideration of the appeal shall therefore focus on this matter.
5. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

6. The main issue is whether or not the proposal would accord with the provisions of Part 1, Class AA, with particular regard to the external appearance of the dwellinghouse.

Reasons

7. The appeal site comprises a rendered two-storey dwellinghouse with a hipped roof and a timber-clad gable feature to the front elevation. The property lies prominently in the street scene, and is already fairly substantial in size. The appeal scheme seeks to create additional residential accommodation at second floor level, by increasing the overall height, bulk and scale of the property. The development would be constructed on the principal part of the dwellinghouse and accord with the height limitations set out by the GPDO. Furthermore, the extension would be built using materials of a similar appearance to the host property and the proposal would overall reflect the design and architectural features, which characterise the principal elevation of the dwellinghouse.
8. I appreciate the concerns expressed by the Council and interested parties regarding the effect that the proposed extension would have on the street scene along this part of London Road, which is primarily characterised by single and two-storey buildings. However, the wording of the GPDO refers specifically to the external appearance of the dwellinghouse itself rather than the surrounding area, which is not listed as one of the prior approval matters in respect of proposals under Part 1, Class AA.

¹ Part 1, Class AA, paragraph AA.2(3).

9. As noted above, reference should be made to the Framework only as far as it is relevant to the development and relevant prior approval matters, bearing in mind that the 'matters' in question must be interpreted through the prism of the purpose of the legislation. Similarly, development plan policies may be relevant in prior approval cases, but only insofar as they relate to the matters, and only as evidence (rather than being the basis of) the planning judgment to be made. In this particular instance, the GPDO expressly intends to enable the enlargement of existing dwellinghouses by construction of additional storeys. By definition, this would inevitably have some impact on the appearance of the host property and the surrounding area.
10. Given the above, the proposal would not cause unacceptable harm to the external appearance of the dwellinghouse when viewed by itself, including in respect of the design and architectural features of the principal elevation of the host property, and would therefore accord with the provisions of Schedule 2, Part 1, Class AA. Considering the development through the prism of the purpose of the permitted development right established by the GPDO, I am satisfied that the proposal would not conflict with the design aims of Policy CS16 of the Havant Borough Core Strategy (March 2011) or the Framework.

Other Matters

11. A number of concerns have been raised by interested parties, notably regarding the effect of the development on the living conditions of neighbouring properties. As part of its assessment, the Council considered the impact of the proposal on the amenity of adjoining premises, as per the requirements of the GPDO. The Council is satisfied that it would not give rise to any significant harm, and I see no reasons to reach an alternative view.

Conditions

12. The GPDO states that prior approval may be granted unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises. For the avoidance of doubt, I have imposed conditions for the benefit of all interested parties. In addition to the standard time limit, a condition specifying the relevant drawings which the development must accord with is considered necessary, in the interests of certainty and to provide clarity.
13. I have also imposed a condition regarding materials, as well as conditions requiring the developer to submit a report for the management of the construction of the development and notify the completion of the development to the Local Planning Authority, in accordance with the relevant provisions of the GPDO.

Conclusion

14. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be allowed, and prior approval should be granted.

S Edwards

INSPECTOR