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## Appeal Decision

Site visit made on 26 July 2021

**by L Wilson BA (Hons) MA MRTPI**

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

**Decision date: 11 August 2021**

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**Appeal Ref: APP/P4225/D/21/3270620**

**Hesketh Villa, Whittle Lane, Heywood, Rochdale, Lancashire OL10 2RN**

- 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) ("GPDO").
  - The appeal is made by Mr Joe Sedgley against the decision of Rochdale Metropolitan Borough Council.
  - The application Ref 21/00105/CAA, registered 21 January 2021, was refused by notice dated 5 March 2021.
  - The development proposed is construction of first floor above existing bungalow incorporating duo-pitched roof slopes and constructed with matching facing brick walls and concrete tiled roofs.
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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 the 'construction of first floor above existing bungalow incorporating duo-pitched roof slopes and constructed with matching facing brick walls and concrete tiled roofs' at Hesketh Villa, Whittle Lane, Heywood, Rochdale, Lancashire OL10 2RN in accordance with the application 21/00105/CAA, registered 21 January 2021, and the details submitted with it including plan nos: 2258.01 and 2258.02a, pursuant to Article 3(1) and Schedule 2, Part 1, Class AA.

### Application for Costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

### Procedural Matters

3. The declaration date provided on the application form is incorrect as it is after the date the decision was made. I have therefore taken the date in the heading and my formal decision above from the decision notice and appeal form.

### Main Issue

4. The main issue is whether the proposed development would constitute permitted development under Schedule 2, Part 1, Class AA of the GPDO.

## Reasons

5. Schedule 2, Part 1, Class AA of the GPDO permits the enlargement of a one storey dwellinghouse consisting of the construction of one additional storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction. This is subject to limitations and conditions.
6. The main issue relates to the roof pitch of the proposed development. Condition AA.2(2)(c) states that the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse. The GPDO sets out that for the purposes of Class AA, "principal part", in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition.
7. Hesketh Villa is a bungalow which currently has a mix of pitched roof designs and flat roof sections. The appellant has indicated on the application form that the roof pitch of the principal part of the proposed extended dwellinghouse will be the same as the roof pitch of the existing dwellinghouse.
8. The Council consider that parts of the existing roof pitch are different to that proposed. They set out within their costs response that the proposed elevations show the introduction of more conventional dual-pitched roofs. They go on to state that this would introduce an entirely different roof form, with the roof planes at various points sloping in different directions than currently existing, and ridges introduced where they do not currently exist.
9. The proposal would result in a differently designed roof and omission of the flat roof section. However, the GPDO wording suggests a relatively narrow assessment as to the roof. The wording of condition AA.2(2)(c) of the GPDO refers specifically to the roof pitch. It does not state that the roof must be of the same design, form, profile or same direction as the existing roof pitch. Accordingly, based on the evidence submitted, I consider that following the development, the pitch of the roof would be the same as the roof pitch of the principal part of the existing dwellinghouse.
10. Part AA.2(3)(a) requires the developer, before beginning the development, to apply to the local planning authority for prior approval for matters which includes (ii) the external appearance of the dwellinghouse, including the design and architectural features. As highlighted above the proposal would result in a differently designed roof and therefore the external appearance of the dwellinghouse would alter. The scheme would result in a more coherent roof design. Overall, taking into account the design and architectural features of the principal and side elevations, I find that the proposal would be acceptable in terms of external appearance.
11. The Council do not raise any further issues with compliance with the GPDO within their submission. For the reasons given above, I find that the proposal would comply with the conditions, limitations and restrictions specified in the GPDO and that prior approval should be granted.

## **Conditions**

12. The GPDO states that prior approval may be granted unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.
13. The Council consider that the three standard conditions are necessary. However, I consider the imposition of these conditions to be unnecessary as they duplicate the conditions required under the GPDO. Paragraph AA.2(2)(a) requires that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Furthermore, paragraph AA.2(3)(c) states that the development must be completed within a period of 3 years starting with the date prior approval is granted. In addition, I have set out within my formal decision that the scheme shall be carried out in accordance with the details submitted and the two plans. Therefore, based on the evidence submitted, I do not consider that there are any conditions reasonably related which should be attached.

## **Conclusion**

14. For the reasons given above the appeal should be allowed, and prior approval should be granted.
15. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO is subject to the conditions that the development must be completed within a period of 3 years starting with the date prior approval is granted and that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

*L M Wilson*

INSPECTOR