
Appeal Decisions

Site visit made on 10 August 2021

by Paul Singleton BSc MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 17 August 2021

Appeal A: Ref: APP/J2373/D/21/3272191

47 Calder Road, Blackpool FY2 9TX

- 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 & Mrs Parameswaran Nagaratnam against the decision of Blackpool Borough Council.
 - The application Ref 21/0096, dated 5 February 2021, was refused by notice dated 8 March 2021.
 - The development proposed is erection of roof lift to create additional storey.
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Appeal B: Ref: APP/J2373/D/21/3272189

47 Calder Road, Blackpool FY2 9TX

- 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 & Mrs Parameswaran Nagaratnam against the decision of Blackpool Borough Council.
 - The application Ref 20/0800, dated 16 December 2020, was refused by notice dated 15 January 2021.
 - The development proposed is erection of roof lift to create additional storey.
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Decisions

1. Appeal A is allowed and prior approval is deemed to be 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 erection of roof lift to create additional storey at 47 Calder Road, Blackpool FY2 9TX in accordance with the application Ref 21/0096, made on 5 February 2021, and the details submitted with it (including those shown on Plan No. A/020/208/BR10), pursuant to Article 3 (1) and Schedule 2, [Part 1, Class AA]. The approval is subject to the standard conditions comprised in paragraph AA.2 of Part 1 to Schedule 2 of the GPDO as set out in Appendix A to this decision letter.
 2. Appeal B is dismissed.
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Procedural Matters

3. I have referred to the different cases as Appeal A and Appeal B in this decision letter as set out in the headers. The two appeals relate to the same dwelling and both relate to the proposed creation of an additional storey to the existing two-storey property by means of raising the roof level of the building. The only significant difference between the two proposals is that the additional storey proposed in Appeal A would have a hipped roof whereas that proposed in Appeal B would have a pitched roof with gables to the front, rear and side elevations.
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 the construction of up to two additional storeys where the existing dwelling house consists of two or more storeys subject to a number of limitations and conditions. The condition in paragraph AA.2.(3) requires that the developer submit an application to the local planning authority for prior approval as to the impact of the proposal on the amenity of any adjoining premises and on the external appearance of the house and other matters relating to air traffic and protected views.
5. Where an application is made for prior approval, paragraph AA.3.(3) of the GPDO provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development

Main Issues

6. The main issues are: (a) whether the proposed development would be granted planning permission by Article 3, Schedule 2 [Part 1, Class AA] of the GPDO and (b) the effect of the development on the character and appearance of the appeal building and on the living conditions of the occupiers of the adjoining dwelling with regard to overshadowing.

Reasons

Appeal A

7. The Council accepts that the proposal in Appeal A would comprise permitted development under the provisions of Class AA. It has refused prior approval on the grounds that the proposal would have an unacceptable adverse effect, both on the character and appearance of the appeal building and on the amenity of the occupiers of the adjacent dwelling at Number 77 Knowle Avenue.

Character and Appearance

8. The third storey proposed to the dwelling would mirror the appearance of the existing second storey by extending the projecting bay window upwards and including a small gable above this to restore this key feature on the front elevation of the building. It would incorporate a single window alongside this to mirror that to the existing small bedroom above the entrance door. These details would be sympathetic to the design of the existing front elevation and would be in keeping with the character and appearance of the dwelling.

9. As is common with very many residential buildings, the dwelling is not as wide as it is deep but I do not think it right to characterise it as having a narrow appearance. Its width is similar to that of other dwellings within the street scene, including both the few detached houses and the respective halves of the pairs of semi-detached properties. When viewed from the street, it can be seen that the width of the dwelling is slightly greater than its height to eaves level and that it does not appear as a tall building or in any way out of proportion. The front elevation is broken up by means of a horizontal banding across the full width of the property on the line of the first floor window sills. This has the effect of sub-dividing the elevation, with approximately one third of the elevation above this line and two thirds below. In my assessment, this feature helps to avoid any potential perception that this is either a tall or a particularly narrow building.
10. The height of the proposed additional storey would be similar to the distance between the eaves and roof ridge and would not be out of proportion with the existing building components on the front elevation. Following completion of the proposed development, the height of the building from ground to the new eaves level would be greater than the width of the dwelling. However, the resultant height to width ratio of the front and rear elevations would not be untypical of a purpose built 3-storey dwelling and would not, in my view, appear out of proportion.
11. The extension of the projecting bay window to the third storey and the reinstatement of the small gable above this are desirable components of the proposal in terms of maintaining the external appearance of the dwelling. The extended bay window would continue to add interest and character to the dwelling and would retain the stepped profile of the front elevation. I do not share the Council's concerns that this would create an undue vertical emphasis to the extended building. Rather, I consider that, in combination with the replication of the existing hipped roof profile (which avoids any further upwards extension of the front and rear elevations), these details would provide for the construction of an additional storey which is both in keeping and in proportion with the existing building and which avoids the top heavy appearance that the Council fears.
12. For these reasons, I find that the proposal would not significantly harm the character and appearance of the appeal building including the design and architectural features of the principal elevation. Accordingly, I conclude that prior approval should not be withheld on these grounds.

Living Conditions

13. The Council asserts that the proposal would cause unacceptable overshadowing to the windows in the rear elevation of No. 77 Knowle Avenue and to its rear garden but has not provided evidence that it would breach any adopted standards or guidance in respect of such matters. The appellants contend that an adequate separation distance between the two dwellings would be maintained, notwithstanding the construction of an additional storey, and my observations on my site visit support that conclusion. I note that no representations were received from the occupiers of No. 77 or from those of any other neighbouring property.
14. There is a small rear extension to No. 77 but this does not include any principal windows. The principal windows in the rear elevation of the main part of the

dwelling are a considerable distance from the site boundary. The rear garden to No. 77 extends to the common boundary with the appeal property but much of that part of the garden closest to that boundary is taken up by a garden shed. At the time of my visit, which took place in the early afternoon, I saw no evidence that the level of sunlight reaching the garden or rear windows to No. 77 Knowle Avenue is adversely affected by the appeal property being located immediately to the south.

15. The side elevation of the appeal building would be increased in height as a result of the proposed development. However, the separation distance between the two buildings is such that this would not lead to any significant change in respect of the amount of sunlight reaching the rear windows of No. 77. It is possible that some additional shadowing of part of the rear garden might arise when the sun is directly to the south. I consider that this effect would be experienced only for a limited period during the middle of the day. The open aspect to the east and west would ensure that the garden continues to receive a good level of sunlight for most of the day.
16. Having regard to these conclusions, I find that the proposal would not give rise to an unacceptable impact on the living conditions or amenity of the occupiers of the adjacent dwelling and that prior approval should not be withheld on these grounds.

Appeal B

17. The proposal in Appeal B is that the roof to the additional storey would be a pitched roof with large gables to the front and rear and the side elevation facing north. The Council asserts that, as the two storey dwelling has a hipped roof, the proposal does not meet the requirement set out in the condition in paragraph AA.2.(2)(c) of Part 1 to Schedule 2 of the GPDO. The appellants contend that, although the roof form would be different, the pitch would be the same as that of the existing roof. They state that, as the condition in sub-paragraph (c) refers only to the roof pitch and not to the roof profile, there would be no breach of this condition.
18. Sub-paragraph (c) does not make any reference to the form or profile of the roof and I accept that this could invite a narrow interpretation of the condition. However, if taken to the extreme, this could provide for a radically different roof to be provided to an additional storey to a dwelling provided that some part of the roof remains in the form of a pitched roof with the same angle of slope to the main roof of the existing property. In my view that could frustrate the condition's apparent purpose which is to avoid substantial harm to the character and appearance of the subject building.
19. In respect of Appeal B, the proposal is that the slopes to the new pitched roof would have the same angle as the existing hipped roof. However, the roof slopes that currently form the front, rear and north side of the hipped profile would be replaced by vertical gables. The GPDO does not provide any assistance as to how the term 'roof pitch' in sub-paragraph (c) is to be interpreted. However, it seems to me arguable that a replacement roof form that does not have any roof pitch to the front and rear, and which replaces part of the roof slope to one side of the dwelling with a large gable cannot be said to have the same roof pitch as the existing dwelling and that the Council was entitled to refuse the application on this ground. However, as there is scope

for uncertainty in this regard, it is appropriate to consider the effect of the proposal on character and appearance and amenity.

Character and appearance

20. In the Appeal B proposal the two storey bay window and small gable above this would be retained at its existing height. Above this, the front elevation of the additional storey would appear as a large, flat area of brickwork rising to a large gable extending across the full width of the house, punctuated only by a small, rectangular window centrally located in the upper part of the gable. Although the overall height to the eaves would be lower than in the Appeal A scheme, this large area of brickwork would appear as a dominant and incongruous feature in the front elevation of the property.
21. The new central window would look out of place as it would not line up with any existing openings in the elevation and the aesthetic value of the small gable above the bay window would be eroded as this would no longer form part of the roof to the property. The flat elevation to the third floor would be out of keeping with the existing elevation as it would have none of the interest created by the projecting bay window feature and the vertical subdivision of the elevation that this provides. The proposed roof projection on one side of the ridge would give the elevation an unbalanced and wholly unpleasing appearance. When seen from the junction of Calder Road with Knowle Avenue, the new pitched roof and large gables to the front and side of the dwelling would, in my view, appear as dominant features which would give the building a top heavy appearance.
22. In summary, the construction of a third storey in the manner proposed would result in an extension which would appear as an obvious later addition that jars with the balanced design and appearance of the original dwelling and which would cause significant harm to the character and appearance of the dwelling. Accordingly, I conclude that prior approval for this aspect of the scheme should be refused for the reasons set out above.

Living Conditions

23. As in respect of Appeal A, no representations were received in relation to the application from the occupiers of any neighbouring dwellings.
24. The separation distances to the rear windows to No. 77 Knowle Avenue and to the rear fence to the garden of that property would be identical to those which I have assessed in respect of Appeal A. However, the extent of new brickwork to be constructed above the existing eaves of the dwelling would be less than in the Appeal A scheme because of the reduced eaves height, notwithstanding the introduction of a new gable on this elevation. In comparison to the proposal in Appeal A, there would be reduced scope in this proposal for any overshadowing of the rear windows or garden of No. 77. I find that there are no grounds to withhold prior approval for this potential effect of the proposal.

Other Matters

25. The appellants have referred to alterations which have been carried out to a nearby property in Antrim Road. I viewed that property as part of my site visit and observed that its roof alterations comprise a quite different form of development to that proposed in the current appeals. Although these were carried out as permitted development, the work was done under provisions

which not only relate to a different class of development within the GPDO but which were included in a previous, and now superseded, version of the Order. For these reasons, I do not consider that the development at that property provides any useful comparison or benchmark for the appeal proposals and I have not given it any weight in my determination of the appeals.

Conclusions

26. For the reasons set out above, I conclude that the Appeal A proposal complies with the restrictions and conditions applicable to permitted development under Article 3 (1), Schedule 2 [Part 1, Class AA) of the GPDO. I also conclude that it would not have an unacceptable effect either on the character and appearance of the appeal building or on the amenity of any adjoining premises. Prior approval should, therefore, be granted for the proposed development subject to the standard conditions set out in Appendix A to this decision letter.
27. I consider that there are grounds to refuse the application comprised in Appeal B on the basis that it does not satisfy the condition set out in paragraph AA.2. (2)(c) of Part 1 to Schedule 2 of the GPDO. However, even if I am incorrect in that conclusion and the proposal is accepted as meeting all of the relevant conditions, I find that prior approval should not be granted because of the significant adverse effect that the proposal would have on the character and appearance of the appeal building. I therefore conclude that Appeal B should be dismissed.

Paul Singleton

INSPECTOR

Appendix A

Standard Conditions attached to Appeal Reference APP/J2373/D/21/ 3272191

- 1) 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.
- 2) The development must not include a window in any wall or roof slope forming a side elevation of the dwelling house.
- 3) 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.
- 4) Following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.
- 5) 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.
- 6) The development must be completed within a period of 3 years starting with the date prior approval is granted.
- 7) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion. That notification must be in writing and include:
 - (i) the name of the developer;
 - (ii) the address of the dwellinghouse; and
 - (iii) the date of completion.