



Appeal Decisions

Site visit made on 4 August 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal A Ref: APP/C1950/D/21/3274012

53 The Ridgeway, Cuffley, Hertfordshire EN6 4BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under required under 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 and Mrs J and K Compton against the decision of Welwyn Hatfield Borough Council.
- The application Ref 6/2020/2740/PN27, dated 22 October 2020, was refused by notice dated 17 December 2020.
- The development proposed is to remove the existing roof from principal part of dwelling and replace with new first floor extension that has additional living accommodation within its roofspace.

Appeal B Ref: APP/C1950/D/21/3274014

53 The Ridgeway, Cuffley, Hertfordshire EN6 4BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under required under 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 and Mrs J and K Compton against the decision of Welwyn Hatfield Borough Council.
- The application Ref 6/2021/0360/PN27, dated 3 February 2021, was refused by notice dated 31 March 2021.
- The development proposed is to remove the existing roof from principal part of dwelling and replace with new first floor extension that has additional living accommodation within its roofspace.

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matter

3. Appeals A and B relate to two separate proposals for prior approval at the same property and both applications to which these appeals relate to were refused for the same reason. Therefore, I have dealt with both appeals together.

Background and Main Issue

4. In the case of both the appeals before me, the Council is of the opinion that the submitted schemes do not comply with the eligibility requirement of Paragraph AA.1 (i) of Part 1 of Schedule 2 of the Town and Country Planning (General

Permitted Development) Order 2015 (as amended) ('GPDO'). This states that development is not permitted by Class AA if it does not meet any of the criteria under Class AA.1 of the GPDO, including: '(i) any additional storey is constructed other than on the principal part of the dwellinghouse;'

5. Accordingly, the main issue in respect of both appeals is whether the proposals would be permitted development under Class AA of the GPDO having regard to Paragraph AA.1 (i) of Class AA of the GPDO

Reasons

6. The appeal property comprises an extended chalet bungalow with some accommodation incorporated at roof level.
7. Whilst the reasons for the eligibility requirements may not be clear from the legislation, my role as the decision maker is to assess whether a specific proposal for prior approval meets these requirements.
8. Paragraph AA4.(1) of the GPDO states 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.
9. Irrespective of the appellants' broader interpretation of Paragraph AA4.(1), in my view, this Paragraph is clear and precise with limited scope for subjectivity.
10. The main parties agree that the appeal property benefits from a front extension which dates back to a planning permission from 1966. This extension is part hipped and part flat roofed. Despite the appellants' assertion that this front extension is physically and visually indivisible from the original dwelling, for the purposes of Paragraph AA4.(1) this is a subsequent addition with a lower height relative to the original dwellinghouse.
11. The proposed scheme under Appeal A incorporates an additional storey with some roof level accommodation above the entire building including the front extension but excludes the existing flat roofed side and rear elements. The proposal under Appeal B is similar to that under Appeal A but does not extend over the flat roofed section of the front extension.
12. Therefore, in both schemes (Appeal A and Appeal B) the proposed additional storey would to a lesser or greater degree extend over the existing front extension which is of a lower height than the original dwelling. As such, in both schemes the proposed additional storey would be constructed other than on the principal part of the dwellinghouse. Consequently, the proposals under both Appeal A and Appeal B do not meet the eligibility requirement of Paragraph AA.1.(i) of the GPDO.
13. Accordingly, the proposals for both Appeal A and Appeal B are not permitted development under Class AA of the GPDO. I, therefore, conclude that Appeal A and Appeal B should be dismissed.

M Aqbal

INSPECTOR