



Appeal Decision

Site Visit made on 3 August 2021 by G Sibley MPLAN MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/K2420/D/21/3274537

3 Grey Close, Groby, Leicester LE6 0DS

- 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, 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 Ryan Jones against the decision of Hinckley and Bosworth Borough Council.
 - The application ref: 21/00394/HAAGDO, dated 24 March 2021, was refused by notice dated 5 May 2021.
 - The development proposed is prior notification for construction of additional storey upon existing single storey dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have used the description of development taken from the Decision Notice, which was replicated on the appeal form. This is more succinct than the description taken from the application form, while it also removes superfluous information. I do not consider that any party would be prejudiced by my approach.
4. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) allows for one additional storey to a single storey dwellinghouse, subject to limitations and conditions set out under Class AA.1 and Class AA.2. The Council's concerns relate only to conditions of paragraph AA.2(3)(a)(i) and (ii). The first of these requires consideration of the impact of the development on the amenity of any adjoining premises. The second factor requires consideration of the external appearance of the dwellinghouse, including the principal elevation and any side elevation that fronts a highway.
5. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments received have been taken into consideration in this decision.

Main Issues

6. The main issues are whether prior approval should be granted for the proposal having regard to: i) the external appearance of the dwellinghouse; and ii) the impact on the amenity of adjoining premises with regard to No 2 Grey Close and the outlook from this property.

Reasons for the Recommendation

External appearance

7. Paragraph AA.2(3)(a)(ii) requires an assessment of the external appearance of the dwellinghouse including the principal elevation and any side elevation that fronts a highway. Whilst the assessment should include those elements, the Order does not explicitly exclude consideration of the wider context. In my view such consideration does not go beyond the terms of the Order but merely forms part and parcel of consideration of my assessment of the external appearance of the dwellinghouse.
8. No 3 is a single storey dwelling located within a cul-de-sac of similarly designed bungalows and the principal elevation of these dwellings faces the highway. Opposite the site are three more bungalows that are similar in scale and design to those in Grey Close. Beyond these two cul-de-sacs is Leicester Road where there are a mix of single storey and two storey dwellings, however the proposal would not be observable in this context.
9. The introduction of a two-storey dwelling upon the site would appear alien and out of context within this group of single storey dwellings. Moreover, the window designs and locations on the principal elevation would create an unbalanced appearance across the extended dwelling. Whilst the proposal would retain the footprint of the building which would be similar to the surrounding development and would use complementary materials in its construction, these matters would not mitigate the harm identified.
10. Therefore, the external appearance of the dwellinghouse is not acceptable because of the harm that the proposal would cause to the external appearance of the dwellinghouse and the character and appearance of the area. This would be in conflict with the overarching high-quality design aims of Section 12 of the Framework and in particular paragraph 134 which sets out that development which is not well designed should be refused.

Amenity

11. The host property extends slightly beyond the rear wall of No 2 and the extended dwelling would be visible above the boundary fence from the rear of the neighbouring property. Nevertheless, given the limited depth beyond the rear wall of this dwelling, the mass of the additional floor would not be overly visible from within No 2 or overbearing on the outlook from the rear of it. Moreover, the gardens for both Nos 2 and 3 are very deep and because of this, the view from the dwelling across the garden would remain mostly unaffected by the proposal. Consequently, the outlook enjoyed by the neighbouring occupiers would not be diminished to a harmful degree.
12. Therefore, in this regard I find that the proposal would not harm the amenity of the adjoining premises.

Other Matters

13. I acknowledge the desire for additional living space and the small size of the existing dwelling. However, that is not explicitly a matter for consideration within the terms of the Order and, in any event, I do not consider that it outweighs the significant harm that would be caused to the external appearance of the dwellinghouse.

Conclusion and Recommendation

14. For the reasons given above I am satisfied that the proposal would not cause harm to the living conditions of the neighbouring occupiers. However, because of the harm that would be caused to the external appearance of the dwellinghouse I recommend that prior approval should be refused.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

RC Kirby

INSPECTOR