
Appeal Decision

Site visit made on 24 August 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2021

Appeal Ref: APP/J1915/D/21/3269104

Chasedene, Millfield Lane, Little Hadham, Hertfordshire SG11 2ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Sam Boaden against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2054/ASDPN, dated 19 October 2020, was refused by notice dated 26 November 2020.
 - The development proposed is addition of one extra storey to existing dwellinghouse.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council refers to the appeal property as a detached two storey dwelling in its Delegated Officers report. However, subsequently the Council has clarified that the property is single storey, and its assessment of the prior approval proposal was based on the property having one storey. I have considered the appeal accordingly.
3. The Council has granted prior approval under Class AA of the GPDO for two schemes of different designs providing an additional storey to the appeal property¹. I have had regard to these other schemes where relevant in my consideration of this appeal.

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. Chasedene is a detached pitched roofed bungalow comprising a central section with a pitched gable roof and sections to either side with a lower roof height recessed from the front elevation of the central section. Attached to the front of the recessed side sections are two forward projecting elements. These forward projections have pitched roofs set at right angles to the side sections with forward facing gables. The forward projections have a lower ridge height and an eaves height that match the side sections but not the central section of the

¹ Local Authority references 3/20/2608/ASDPN and 3/20/2609/ASDPN

bungalow. The bungalow has not been extended and all elements of the structure are part of the original dwellinghouse.

6. Schedule 2, Part 1, Class AA of the GPDO permits the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwelling consists of one 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.
7. The Council considers that the development does not fall within the scope of Class AA. This is because the roof alterations to the central section of the bungalow, which facilitate a link to the additional storey, would not result in the creation of an additional storey. However, the scheme as a whole would create an additional storey to the existing single storey bungalow. Therefore, I am satisfied that the appeal proposal would fall within the scope of Class AA.
8. In terms of the limitations and conditions of Class AA, the main dispute focuses on whether the single storey structures projecting forward of the front of the bungalow fall under the definition of the 'principal part' of the building. Part AA.1 (i) does not permit any additional storey constructed other than on the principal part of the 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.
9. The appellant considers that the dwelling is a single architectural composition with a variety of roofs of different heights and no clearly identifiable principal part as evidenced by the internal floor plan. I agree that elements of a structure that are part of an original building must inherently be part of the building's overall composition. However, 'principal part' is defined as the main part excluding any front extension of a lower height whether original or not. The definition is not qualified by reference to the property's internal arrangement.
10. In this case, the front projections of the bungalow have a much lower ridge line and are at right angles to the central and side sections of the bungalow. The scale and mass of these forward projections are markedly different so that even though they were constructed as part of the original building, in the building design they form front extensions to the property. Accordingly, based on the evidence submitted, I consider that extending the proposed first floor over these elements of the dwelling does not comply with the requirements of Part AA.1.(i) of the GPDO.

Other Matters

11. Conditions in Part AA.2.(3)(a) require the developer, before beginning the development, to apply to the local planning authority for prior approval for certain matters set out in Part AA.2.(3)(a) (i-iv). The Council does not raise any issues in relation to compliance with the GPDO in respect of these prior approval matters. Based on the evidence before me and following my site visit, I see no reason to disagree.

12. There is no disagreement between the parties that the central section of the bungalow and its lower side sections are principal parts of the building as evidenced by the grant of prior approvals for an additional storey over these parts of the bungalow. However, whether a proposal is permitted development is based on the limitations set out in legislation under Part AA.1 and previous grants of prior approval under Class AA of the GPDO, do not represent a fallback position in considering whether the proposed development is permitted under the terms of the legislation.

Conclusion

13. The proposal would not comply with paragraph AA.1.(i) of the GPDO and therefore prior approval cannot be given for the proposal. Consequently, for the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR