
Appeal Decision

Site visit made on 28 September 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021

Appeal Ref: APP/A2280/W/21/3268389

52, 54, 54A Green Street, Gillingham, ME7 1XA

- 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 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended).
 - The appeal is made by Mr Diljit Brar (DLM Investments Ltd) against the decision of The Medway Council.
 - The application Ref MC/20/2993, dated 20 November 2020, was refused by notice dated 20 January 2021.
 - The development proposed is to provide two additional storeys to provide six additional flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The GPDO grants planning permission for up to two additional storeys of new dwellinghouses on detached buildings in commercial or mixed use, subject to the limitations and conditions under Article 3(1) and Schedule 2, Part 20, Class AA. To gain permission, before beginning the development, the developer must apply to the Council for prior approval. In this instance, such a prior approval was refused by the Council on the grounds of adverse impact on the external appearance of the building in conflict with condition AA.2(1)(e).
3. Within this condition, the consideration of the external appearance of the building states, including the design and architectural features of the principal elevation and any side elevation that fronts a highway. Neither of the flank elevations of the extended building would face onto a highway. However, the use of the word 'including', where it refers to the design and architectural features of the principal elevation and side elevation, indicates that these two specified elevations are examples. Such a word indicates that other elevational situations can be relevant, and this will be commented upon within the reasoning of this decision.
4. For the purposes of accuracy and conciseness, the description used by the Council in its decision notice has been used rather than that used in the application form. Development Plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

5. The main issue is whether or not the proposal would accord with the provisions of Schedule 2, Part 20, Class AA of the GPDO, with regard to the external appearance of the building.

Reasons

6. The appeal site comprises a three storey building of a simplistic block design finished in white render. At the ground floor, there are commercial uses whilst at first and second floor level, there are residential flats. Planning permission has been granted for an additional floor above the third storey.
7. This prior approval proposal would result in additional two storeys above the existing three storey building. The proportion and height of the combined two storeys would mirror that of the storeys below and would replicate the uniformity and symmetry with respect to the fenestrations. The materials of the proposed two additional storeys would also match that of the existing building.
8. Policy BNE1 of the Medway Local Plan 2003 states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment by amongst other matters being satisfactory in terms of scale, mass, proportion, details and materials. Paragraphs 126 and 130 of the National Planning Policy Framework emphasises the importance of good design. In particular, decisions should be visually attractive as a result of good architecture. Nevertheless, local and national plan policies are only relevant in so far as they highlight design factors to inform the external building appearance assessment undertaken here.
9. However, the proposal's replication of the fenestration pattern below would result in an overly repetitive and dominant principal elevation, in the absence of any meaningful design articulation and architectural detailing. In this regard, the face of the building would rise vertically to a considerable height with little differentiation between the upper storeys. Together with the expansiveness of the fourth and fifth storeys, such a proposal would result in an overbearing principal elevation.
10. Furthermore, the flank elevations would largely comprise expansive featureless areas with negligible design articulation or architectural features. Such elevations would be prominent from Green Street due to the gaps with neighbouring buildings. The flank elevation, adjoining the Salvation Army building, with its extensive expanse of featureless render would be particularly stark. The other flank elevation has a couple of small windows on the top two storeys and this elevation would be partly stepped in a recessed manner. However, this flank elevation overall also has a lack of design articulation and architectural detailing resulting in a bland appearance. Due to their prominence, these elevations add to the harm based on the external appearance of the extended building.
11. Planning permission has been granted for one additional storey which would be similarly designed to mirror the storey below. However, the prior approval would result in an additional storey above this. For all the reasons indicated, by adding two storeys, the development would fundamentally alter the external appearance of the building in an adverse way.

Conclusion

12. The prior approval should be refused for the reasons set out. The external appearance of the building would be adversely impacted upon in conflict with condition AA.2(1)(e) of Class AA, Part 20, Schedule 2 of the GPDO. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR