



Appeal Decision

Site Visit made on 12 October 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2021

Appeal Ref: APP/R0660/D/21/3279855

Freshfields, Budworth Road, Tabley, Knutsford, WA16 0HZ

- 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).
 - The appeal is made by Mr Bahram Tahmasebi against the decision of Cheshire East Council.
 - The application Ref 21/1813M, dated 30 March 2021, was refused by notice dated 27 May 2021.
 - The development proposed is additional storey and remodelling of the external elevations and internal arrangements.
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Decision

1. The appeal is allowed and prior approval 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) (the GPDO) for an additional storey and remodelling of the external elevations and internal arrangements at Freshfields, Budworth Road, Tabley, Knutsford, WA16 0HZ in accordance with the terms of the application, Ref 21/1813M, dated 30 March 2021, subject to the following additional conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - F01-CM-01 – location plan
 - F01-CM-03 – existing elevations
 - F01-CM-02 – existing floorplans
 - F01-CM-04 – proposed block plan
 - F01-CM-05 – proposed ground floor plan
 - F01-CM-06A – proposed first floor plans
 - F01-CM-07A – proposed elevations (front and rear)
 - F01-CM-08A – proposed elevations (sides)except in respect of the roof detail shown on plan F01-CM-07A.
 - 2) Notwithstanding the plans condition 1), no development shall take place until details of the roof arrangements, including a roof plan, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. Schedule 2, Part 1, Class AA of the GPDO permits the enlargement of a dwellinghouse consisting of one storey by the construction of one additional storey, together with any engineering operations reasonably necessary for the purpose of that construction. Development is permitted under Class AA subject to certain limitations and conditions, including the requirement that the developer applies for prior approval to the local planning authority.
3. The Council has confirmed that the proposed development complies with all the limitations to the permitted development right set out in paragraph AA.1 and I have no reason to disagree. The application was refused on the basis of paragraph AA.2.(3)(a)(ii), which requires prior approval for the external appearance of the dwellinghouse, including the design and architectural features.
4. Accordingly, the main issue is whether prior approval should be given, having particular regard to the resulting external appearance of the dwellinghouse.

Reasons

5. In cases requiring prior approval, the principle of development is established though the provisions of the GPDO. Planning policies included within the development plan may be relevant, but only insofar as they relate to the subject matter of the prior approval. Consideration of the effect of the proposal on the Green Belt does not, therefore, form part of the assessment of this proposal.
6. The appellant has referred to a previous appeal decision in which the provisions of Class AA were interpreted narrowly with respect to the external appearance of a building. However, analysis as to whether the external appearance of a building is acceptable is intrinsically linked to its surrounding context, and what may be appropriate on one site may not be on another. As such, in assessing the appeal proposal I have taken account of the effect of the proposal in relation to neighbouring buildings and the wider streetscene.
7. Freshfields is a large, modern bungalow fronting onto Budworth Road, in an area of countryside. The site forms part of a small cluster of buildings on either side of the road, which include a modest thatched cottage adjacent to the site, and a red brick barn and two storey house opposite. The surrounding buildings vary significantly in their age, scale and materials, but all are traditionally rural in character.
8. The appeal property is positioned below the level of the road, and set back from it. These factors, combined with the low form and shallow roof pitch of the building, mean that it is barely visible above the boundary brick wall, and for passersby along Budworth Road it would be easy to miss altogether.
9. By adding another storey, the building would be materially larger than the existing bungalow, but this is an intended consequence of the permitted development right under Class AA so would not, on its own, provide a reason to withhold prior approval. The additional height would result in the property being more visible within the streetscene, but due to its position below and set back from the road, the proposed house would not appear overly prominent. The well treed character of the area immediately surrounding the site would be

retained, and built form would continue to be dominated by the large red brick barn immediately opposite, which fronts directly onto the road.

10. The proposed alterations to the main elevations, particularly the fenestration, would result in a significant change to the external appearance of the building, but the unfussy and simple design would not be unattractive, and would not appear out of place given the diversity of buildings in the immediately surrounding area.
11. Development permitted under Class AA is subject to a number of conditions which include the requirement within AA.2.(2)(c) that, following development, the roof pitch of the principal part of the roof is the same as that of the existing dwellinghouse. Whilst the submitted plans show that the existing shallow roof pitch would be replicated, there is a discrepancy between the submitted drawings relating to the roof construction. This is of a minor nature and could be resolved through the submission of a revised plan.
12. I conclude that the external appearance of the proposed house would be acceptable. Prior approval should therefore be granted.

Conditions

13. Prior approval under Class AA is subject to number of conditions which are specified within paragraph AA.2.(2) and (3). It is not necessary to repeat these within the formal decision, but to assist the parties, they are summarised below.
14. Sub-paragraph (2)(a) requires that materials used in the exterior work must be of a similar appearance to those used in the existing dwellinghouse; (b) precludes windows in any wall or roof slope forming a side elevation; (c) requires the roof pitch of the principal part of the dwellinghouse to be the same as that of the existing house; and (d) requires that following the development, the dwellinghouse must be used for no other purpose than that falling within Class C3 of the Use Classes Order.
15. Sub paragraph (3)(b) specifies that before beginning the development, the developer must provide a report for the management of the construction, including hours of operation and measures for the mitigation of any impacts of noise, dust, vibration and traffic on adjoining occupiers. Development must be completed within three years of prior approval being granted to accord with sub paragraph (3)(c), and notification of the completion of development are required under (3)(d) and (e).
16. Paragraph AA.3.(15) allows prior approval to be granted subject to additional conditions reasonably related to the subject matter of the prior approval. In accordance with this provision, I have imposed a plans condition in the interests of certainty, and a condition requiring the submission of details of the roof construction, which is needed to ensure a satisfactory external appearance.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be allowed and prior approval granted.

R Morgan

INSPECTOR