The Planning Inspectorate

Appeal Decision

Site visit made on 19 October 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2021

Appeal Ref: APP/Q4625/D/21/3273034
1a Marlborough Road, Castle Bromwich, Birmingham B36 0EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
- The appeal is made by Mr Andrew Hart against the decision of Solihull Metropolitan Borough Council.
- The application Ref PL/2020/02684/PNHAA, dated 5 November 2020, was refused by notice dated 24 February 2021.
- The development proposed is Prior notification to erect and additional floor over existing ground floor with hipped roof on all sides, external finish (render) to match that at existing ground floor level.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Andrew Hart against Solihull Metropolitan Borough Council. This application will be the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is whether Prior Approval should be given having particular regard to the resulting appearance of the dwelling house.

Reasons

4. Paragraph AA.2.(3)(a) sets out four matters for which the developer must apply to the local planning authority for prior approval. The Council's concerns related to the refusal in respect of matter (ii) the external appearance of the dwelling house, including the design and architectural features of (aa) the principal elevation of the dwelling house.

5. The appellant contends that the assessment under matter (ii) of Paragraph AA.2.(3)(a) is restricted to the two specific examples (aa) and (bb) in so far as they relate to the external appearance of the dwelling itself, and the decision maker is not entitled to consider other factors, in particular the effect of the enlarged building within the street scene. However, the list within matter (ii) is prefaced by the word *including*, which indicates that it is not a closed list, and that other factors may be taken into account. Moreover, whether the external appearance of a dwelling is acceptable is inherently linked to how it would be seen in relation to neighbouring buildings and the wider streetscape or

landscape, as it may be. Appearance is not, therefore, a matter to be assessed in a vacuum, as what may be acceptable on one site may not be acceptable on another. I therefore consider that it is reasonable, in the planning judgment under matter (ii), to take account of the effect of the proposed external appearance of the dwelling on the wider character and appearance of the area.

6. The existing dwelling is a modest, low profile bungalow looking on to the main road. It marks the end of the continuous built form on this side of Marlborough Road, with a two-storey property next door. The low ridge height of the appeal dwelling helps to reduce its presence in what is a confined site in the urban street scene.

7. In contrast, the proposed extension would significantly increase the visibility of the appeal dwelling in its surroundings. This height would contrast starkly with the traditional design of properties in the locality and would result in an exposed and conspicuous building. Moreover, the requirements of Class AA place limitations on windows in the upper storeys of the side elevations. As a result, the enlarged building would present imposing, blank elevations to either side which would exacerbate its discordant scale and form. The result of this disjointed fenestration would be a building lacking architectural composition and balance to its elevations which would severely detract from its overall appearance.

8. For these reasons, I conclude that the external appearance of the appeal dwelling would harm the character and appearance of the area. I have been provided with development plan policies by the Council, but in so far as it is relevant the proposal would conflict with the advice of the National Planning Policy Framework, which seeks to achieve well-designed places. The proposal, therefore, is not acceptable in respect of prior approval matter (ii) of Paragraph AA.2.(3)(a) of Class AA.

Conclusion

9. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR