



Appeal Decision

Site Visit made on 8 November 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2021

Appeal Ref: APP/W1525/D/21/3275056

Green Acres, Runwell Chase, Runwell, Wickford, SS11 7PU

- 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 & Mrs John Martin against the decision of Chelmsford City Council.
 - The application Ref 21/00353/HHPAA, dated 12 February 2021, was refused by notice dated 26 March 2021.
 - The development proposed is construction of an additional storey to the current dwelling.
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Decision

1. The appeal is allowed and prior approval is granted for construction of an additional storey to the current dwelling at Green Acres, Runwell Chase, Runwell, Wickford, SS11 7PU in accordance with the terms of the application, Ref 21/00353/HHPAA, dated 12 February 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Local Plan 1:1250; Block Plan 1:500; Proposed Arrangement 20/80 1g.

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 through 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. 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. Greenacres is a large bungalow fronting onto Runwell Chase which is characterised by detached dwellings which vary in their appearance and design. The area is of mixed character and includes both modern and older properties, however there is no clear pattern of development and in particular the differing size and scale of properties creates a varied street scene.
8. The appeal property is set back from the road and currently screened by substantial landscaping. These factors, combined with the low form and shallow roof pitch of the building, mean that it is barely visible above the front hedge, and for passers-by along Runwell Chase, there would be glimpsed views from the existing vehicular access.
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 set back from the road, the proposed house would not appear overly prominent. The mixed character of the area immediately surrounding the site would be retained.
10. The fenestration proposed at first floor would mimic the style of the ground floor and would not result in a significant change to the external appearance of the building. 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. Therefore, I conclude that the external appearance of the proposed house would be acceptable. Prior approval should therefore be granted.

Conditions

11. Prior approval under Class AA is subject to a 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.
12. 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.

13. 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).
14. 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.

Conclusion

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

G Pannell

INSPECTOR